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1957

ILLINOIS TREE EXPERTS ACT

STATE OF ILLINOIS
WILLIAM G. STRATTON
Governor



Department of
REGISTRATION AND EDUCATION
VERA M. BINKS
Director
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ILLINOIS TREE EXPERTS ACT

AN ACT to license and regulate tree experts, to provide penalties for the violation thereof and to make an appropriation therefor, approved July 5, 1957.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. As Used in this Act, unless the context otherwise requires:

"Person" includes any natural person, partnership, association, corporation or trust;

"Department" means the Department of Registration and Education of the State of Illinois;

"Director" means the Director of the Department of Registration and Education of the State of Illinois;

"Board" means the Tree Expert Examining Board provided for in this Act;

"Tree Expert" means any person who, for profit, diagnoses the condition of shade, forest or ornamental trees and recommends or supervises the treatment of any such trees, or in any manner treats any such trees, by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods, or protects or attempts to protect any such trees from damage by insects or disease by spraying or any other method.

Section 2. After December 31, 1957, no person shall engage in the business of a tree expert without having a license therefor issued by the Department.

Section 3. No license shall be issued under this Act except to an individual, a partnership or a corporation and no license shall be issued to a partnership or corporation unless at least one of the partners of the partnership or unless at least one officer or director of the corporation also holds a license as a tree expert issued by the Department under this Act.

Section 4. This Act shall not apply to:

- a. The United States of America, the State of Illinois, any county, municipality or political subdivision in this state, any department, bureau or agency of any of the foregoing or any official representative of any of the foregoing in the pursuit of his official duties;
- b. Any person with reference to trees on his own premises;
- c. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed tree expert, while in the performance of such functions;
- d. Any public utility, including its authorized employes and agents, when engaged in tree trimming and/or tree removal for the purpose of line clearance and in order to insure the continuity of utility service to the public.

Section 5. A license shall be issued where the applicant therefor;

- a. If an individual, is at least 21 years of age, is a citizen of the United States, is of good reputation for honesty and has knowledge and qualifications required of a tree expert by this Act;
- b. If a partnership, has at least one partner who has a license issued by the Department under this Act, or if a corporation, has at least one director or officer who has a license issued by the Department under this Act.

Section 6. Applications by individuals for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license. It shall include, but need not be

limited to information concerning age, citizenship, education, any physical infirmities, present and previous residences, present and previous business connections and experience, bank and professional references, whether any license of the applicant under this Act or any federal, state, county or local law, ordinance or regulation, ever was suspended or revoked and whether the applicant ever has been convicted of a felony.

Section 7. Except as otherwise provided in section 8 of this Act, each applicant for an original license, if an individual, shall take and pass an examination, which shall be given at least once each year, shall be in writing, shall cover his knowledge of this Act and shall include a test of the applicant's ability to:

1. Identify common trees found in the region, in summer and winter condition, in full tree form and from specimens of parts;
2. Describe the normal healthy form of the tree and its appearance, and state its rate of growth under normal and abnormal conditions and its normal length of life;
3. State the factors involved in maintaining the tree in good health and appearance in order to anticipate and prevent damage from various causes;
4. Describe the functions of the various parts of the tree, such as bark, leaves, wood and roots, and state the methods for determining whether or not these functions are being carried out;
5. Recognize the symptoms of any injuries to and abnormalities and weaknesses of the tree;
6. Recognize the agents, such as insects, animal pests, fungus or bacterial diseases, poor soil, wind, frost, snow, lightning, gas and fumes, responsible for any injuries to and abnormalities or weaknesses of the tree;

7. State the relative susceptibility of different kinds of trees to injurious agents;
8. Demonstrate the various methods of pruning, bracing, cabling, cavity work, treatment of girdling roots and treatment of wounds;
9. State the basic chemical elements essential to tree life and growth, whether they are obtained from the air or soil, how they are taken up by the tree and which are likely to be deficient;
10. State how, when and in what amounts to apply fertilizers, the significance of fertilizer formulae and the manner and speed with which fertilizers composed of different ingredients, such as mineral salts, wood ashes, bone meal, blood meal, cottonseed meal and tankage, become available to the tree;
11. State when to spray or dust, the kind and strength of material which will most adequately control the insect or disease without injuring the tree and which spray materials can be used in combination without injuring the tree or fouling the spray apparatus;
12. Operate the equipment used in the application of insecticides and fungicides.

The questions asked on such examinations, and the grading and passing of applicants, shall be on the recommendation of the Tree Expert Examining Board, provided for in Section 13 of this Act.

Section 8. Any person who, on the effective date of this Act, has been actually engaged in the occupation, trade or business of a Commercial Tree Expert within the State of Illinois, for a period of five consecutive years or more, shall, upon application within one year after the effective date of this Act and payment of the required license fee, be issued a license hereunder, without examination, provided, however, that the Director may require such applicant to submit satisfactory proof that he has so engaged for such period.

Section 9. Applications by partnerships or corporations for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall list, but need not be limited to, the name of each partner, if a partnership, each director and officer, if a corporation, and shall indicate which of the partners, directors or officers, as the case may be, holds a license issued under this Act.

Section 10. Applications for renewal licenses, shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department, shall contain such information as will enable the Department to determine if the applicant is qualified to continue to hold a license and shall be accompanied by the required fee, which shall not be returnable.

Section 11. Each non-resident applicant for an original license or a renewal license, except a foreign corporation, shall file an irrevocable consent that actions against the applicant may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process in any action may be served on the applicant by leaving two copies thereof with the Director of the Department. Such consent shall stipulate and agree that such service of process shall be taken and held to be valid and binding for all purposes. The Director shall send forthwith one copy of such process to the applicant at the address shown on the records of the Department by registered mail. No foreign corporation shall receive a license under this Act until it has been authorized to do business in this state by the Secretary of State.

Section 12. Each license shall be issued for the term of one calendar year or for such part thereof as remains at the time of the issuance thereof. Each license shall be renewed during the month of December of each year. Each license not renewed during December of each year shall expire on December 31, of that year. A tree expert whose license has expired may, at any time within 5 years after the expiration thereof, obtain a renewal license by making a renewal application therefor and by paying renewal license fees for each year since the expiration of his license. However, any tree expert whose license expired while he was (1) in federal service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed without paying any intervening renewal license fees if within 2 years after termination of such service, training or education other than by dishonorable discharge, he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

A license must be prominently displayed at each place of business of the tree expert. Where the tree expert conducts business at more than one address, branch office licenses shall be issued on payment of the required fee.

Each license shall be signed by the Director of the Department and shall be issued under the seal of the Department.

Section 13. The Department may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

a. Material misstatement in the application for original license or in the application for any renewal license under this Act;

- b. Wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto;
- c. Wilfully aiding or abetting another in the violation of this Act or of any regulation or rule issued pursuant thereto;
- d. Allowing one's license under this Act to be used by an unlicensed person;
- e. Conviction of any crime an essential element of which is misstatement, fraud or dishonesty or conviction of any felony;
- f. Wilful disregard or violation of any substantial provision of any safety, labor or compensation law, ordinance or regulation of the United States of America, this State, any county, municipality or
- g. Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the business of a tree expert;
- h. Pursuing a continued course of misrepresentation or of making false promises through advertising, salesman, agents or otherwise in connection with the business of a tree expert;
- i. Failure to possess the necessary qualifications or to meet the requirements of this Act for the issuance or holding of a license.

Section 14. None of the powers, duties or functions of the Department or the Director thereof under this Act shall be exercised except upon action and written report of the Tree Expert Examining Board. Such Board shall be composed of five individuals appointed by the Director not more than two of whom shall be commercial tree experts or arborists each of whom shall have been so engaged continuously for a period of 10 years prior to his appointment, one of whom shall be a plant pathologist, one of whom shall be an entomologist, and one of whom shall be a representative of a state or municipal forestry or park department.

One original member who is a commercial tree expert shall serve for one year; one original member who is a commercial tree expert shall serve for two years, the original member who is a plant pathologist shall serve for three years; the original member who is an entomologist shall serve for four years; the original member who is a representative of a state or municipal forestry or park department shall serve for five years. Each succeeding member of the Board shall serve for a term of four years. The term of each member shall commence on the first Monday in October of the year in which such member is appointed. Each member shall be licensed under this Act. Each original member of such Board shall receive a license if he meets the requirements of Section 5 (a) of this Act except that he need not take the examination required thereby.

The action or report in writing of a majority of the Board shall be sufficient authority on which the Department or the Director thereof may act. Whenever the Director is satisfied that substantial justice has not been done in any matter he may order a reconsideration of such matter by the Board or by a special Board. The number of members of a Special Board, their appointment and the qualifications of such members shall be as provided in this Section for an original Board.

Section 15. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proved would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license,

hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel in reference hereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Board shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board shall not be sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Director shall continue such hearing for a period not to exceed 30 days.

The Department, over the signature of the Director or of any member of the Board, is authorized to subpoena and bring before the Board any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

Any member of the Board may administer oaths to witnesses at any hearing which the Board is authorized by law to conduct.

Section 16. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew, or the suspension or

revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 25 cents per page for each carbon copy thereof ordered with the original; provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be 25 cents per page.

In any case involving the refusal to issue or renew or the suspension or revocation of a license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order in accordance with recommendations of the Board. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 17. Any circuit or superior court or any judge thereof, either in term time or vacation, may, upon application of the Director or of the applicant or licensee against whom pro-

ceedings under Section 14 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under that section. The court or judge may compel obedience to its or his order by proceedings for contempt.

Section 18. Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit or superior court of the county wherein such person resides, or in the case of a corporation, wherein the registered office is located. If the plaintiff in the review proceeding is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act".

The Department shall not be required to certify the record of the proceeding unless the plaintiff in the review proceedings shall first pay to the Board the sum of 75 cents per page of such record. Exhibits shall be certified without cost.

Section 19. Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license and any branch office licenses to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Section 20. The Director, on the recommendation of the Board, may issue regulations, consistent with the provisions of this act, for

the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Section 21. No action or counterclaim shall be maintained by any person in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such person had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Section 22. If any person violates the provisions of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such civil cases. If it is established that such person has violated or is violating this Act, the court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Section 23. Any person violating the provisions of this Act shall, if an individual, be

punished by a fine of not more than \$200, or imprisonment for not more than 2 months, or both; and, if a corporation, by a fine of not less than \$500.00.

Any partner of a partnership or any director or officer of a corporation, which has violated any provision of this Act, shall also be deemed to be in violation thereof and, upon conviction, shall be subject to the penalties hereinabove set forth for individuals.

Section 24. This Act shall never be construed to relieve any person from civil liability or criminal prosecution under the general laws of this State.

Section 25. The following fees shall accompany each application for a license, which fees shall not be returnable:

- a. for an original license to an individual\$25.00
- b. for an original license to a partnership or corporation\$ 5.00
- c. for an annual renewal license.....\$ 5.00
- d. for each branch office license.....\$ 5.00



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Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. As Used in this Act, unless the context otherwise requires:

"Person" includes any natural person, partnership, association, corporation or trust;

"Department" means the Department of Registration and Education of the State of Illinois;

"Director" means the Director of the Department of Registration and Education of the State of Illinois;

"Board" means the Tree Expert Examining Board provided for in this Act.

"Tree Expert" means any person who, for profit, diagnoses the condition of shade or ornamental trees and recommends or supervises the treatment of any such trees, or in any manner treats any such trees, by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods, or protects or attempts to protect any such trees from damage by insects or disease by spraying or any other method. (Amended by Act approved July 22, 1959.)

Section 2. No person shall engage in the business of a tree expert without having a license therefor issued by the Department. (Amended by Act approved July 22, 1959.)

Section 3. No license shall be issued under this Act except to an individual, a partnership or a corporation and no license shall be issued to a partnership or corporation unless at least one of the partners of the partnership or unless at least one officer or director of the corporation also holds a license as a tree expert issued by the Department under this Act.

Section 4. This Act shall not apply to:

a. The United States of America, the State of Illinois, any county, municipality or political subdivision in this state, any department, bureau or agency of any of the foregoing or any official representative of any of the foregoing in the pursuit of his official duties;

b. Any person with reference to trees on his own premises;

c. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed tree expert, while in the performance of such functions;

d. Any public utility, including its authorized employees and agents, when engaged in tree trimming and/or tree removal for the purpose of line clearance and in order to insure the continuity of utility service to the public.

e. Any person holding a college degree in forestry. (Amended by Act approved July 22, 1959.)

Section 5. A license shall be issued where the applicant therefor;

a. If an individual, is at least 21 years of age, is a citizen of the United States, is of good reputation for honesty and has knowledge and qualifications required of a tree expert by this Act;

b. If a partnership, has at least one partner who has a license issued by the Department under this Act, or if a corporation, has at least one director or officer who has a license issued by the Department under this Act.

Section 6. Applications by individuals for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of

the Department will enable the Department to pass on the qualifications of the applicant for a license. It shall include, but need not be limited to information concerning age, citizenship, education, any physical infirmities, present and previous residences, present and previous business connections and experience, bank and professional references, whether any license of the applicant under this Act or any federal, state, county or local law, ordinance or regulation, ever was suspended or revoked and whether the applicant ever has been convicted of a felony.

Section 7. Except as otherwise provided in section 8 of this Act, each applicant for an original license, if an individual, shall take and pass an examination, which shall be given at least once each year, shall be in writing, shall cover his knowledge of this Act and shall include a test of the applicant's ability to:

1. Identify common trees found in the region, in summer and winter condition, in full tree form and from specimens of parts;
2. Describe the normal healthy form of the tree and its appearance, and state its rate of growth under normal and abnormal conditions and its normal length of life;
3. State the factors involved in maintaining the tree in good health and appearance in order to anticipate and prevent damage from various causes;
4. Describe the functions of the various parts of the tree, such as bark, leaves, wood and roots, and state the methods for determining whether or not these functions are being carried out;
5. Recognize the symptoms of any injuries to and abnormalities and weaknesses of the tree;
6. Recognize the agents, such as insects, animal pests, fungus or bacterial diseases, poor

soil, wind, frost, snow, lightning, gas and fumes, responsible for any injuries to and abnormalities or weaknesses of the tree;

7. State the relative susceptibility of different kinds of trees to injurious agents;

8. Demonstrate the various methods of pruning, bracing, cabling, cavity work, treatment of girdling roots and treatment of wounds;

9. State the basic chemical elements essential to tree life and growth, whether they are obtained from the air or soil, how they are taken up by the tree and which are likely to be deficient;

10. State how, when and in what amounts to apply fertilizers, the significance of fertilizer formulae and the manner and speed with which fertilizers composed of different ingredients, such as mineral salts, wood ashes, bone meal, blood meal, cottonseed meal and tankage, become available to the tree;

11. State when to spray or dust, the kind and strength of material which will most adequately control the insect or disease without injuring the tree and which spray materials can be used in combination without injuring the tree or fouling the spray apparatus;

12. Operate the equipment used in the application of insecticides and fungicides.

The questions asked on such examinations, and the grading and passing of applicants, shall be on the recommendation of the Tree Expert Examining Board, provided for in Section 13 of this Act.

Section 8. Any person who, on the effective date of this amendatory Act of 1959, has been actually engaged in the occupation, trade or business of a Commercial Tree Expert within the State of Illinois, for a period of five consecutive years or more, shall, upon application made prior to January 1, 1960, and payment of the required license fee, be issued a license hereunder, without examination, provided, how-

ever, that such applicant shall submit satisfactory proof that he has so engaged for such period. Such application and proof are reviewable by the Tree Expert Examining Board, and the Director shall make the final determination as to the sufficiency of such application and proof, and as to the issuance of a license. (Amended by Act approved July 22, 1959.)

Section 9. Applications by partnerships or corporations for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall list, but need not be limited to, the name of each partner, if a partnership, each director and officer, if a corporation, and shall indicate which of the partners, directors or officers, as the case may be, holds a license issued under this Act.

Section 10. Applications for renewal licenses, shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department, shall contain such information as will enable the Department to determine if the applicant is qualified to continue to hold a license and shall be accompanied by the required fee, which shall not be returnable.

Section 11. Each non-resident applicant for an original license or a renewal license, except a foreign corporation, shall file an irrevocable consent that actions against the applicant may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process in any action may be served on the applicant by leaving two copies thereof with the Director of the Department. Such consent shall stipulate and agree that such service of process shall be taken and

held to be valid and binding for all purposes. The Director shall send forthwith one copy of such process to the applicant at the address shown on the records of the Department by registered mail. No foreign corporation shall receive a license under this Act until it has been authorized to do business in this state by the Secretary of State.

Section 12. Each license shall be issued for the term of one calendar year or for such part thereof as remains at the time of the issuance thereof. Each license shall be renewed during the month of December of each year. Each license not renewed during December of each year shall expire on December 31, of that year. A tree expert whose license has expired may, at any time within 5 years after the expiration thereof, obtain a renewal license by making a renewal application therefor and by paying renewal license fees for each year since the expiration of his license. However, any tree expert whose license expired while he was (1) in federal service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed without paying any intervening renewal license fees if within 2 years after termination of such service, training or education other than by dishonorable discharge, he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

A license must be prominently displayed at each place of business of the tree expert. Where the tree expert conducts business at more than one address, branch office licenses shall be issued on payment of the required fee.

Each license shall be signed by the Director of the Department and shall be issued under the seal of the Department.

Section 13. The Department may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

- a. Material misstatement in the application for original license or in the application for any renewal license under this Act;
- b. Wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto;
- c. Wilfully aiding or abetting another in the violation of this Act or of any regulation or rule issued pursuant thereto;
- d. Allowing one's license under this Act to be used by an unlicensed person;
- e. Conviction of any crime an essential element of which is misstatement, fraud or dishonesty or conviction of any felony;
- f. Wilful disregard or violation of any substantial provision of any safety, labor or compensation law, ordinance or regulation of the United States of America, this State, any county, municipality or
- g. Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the business of a tree expert;
- h. Pursuing a continued course of misrepresentation or of making false promises through advertising, salesman, agents or otherwise in connection with the business of a tree expert;
- i. Failure to possess the necessary qualifications or to meet the requirements of this Act for the issuance or holding of a license.

Section 14. None of the powers, duties or functions of the Department or the Director thereof under this Act shall be exercised except upon action and written report of the Tree Expert Examining Board. Such Board shall be composed of five individuals appointed by the Director not more than two of whom shall be

commercial tree experts or arborists each of whom shall have been so engaged continuously for a period of 10 years prior to his appointment, one of whom shall be a plant pathologist, one of whom shall be an entomologist, and one of whom shall be a representative of a state or municipal forestry or park department.

One original member who is a commercial tree expert shall serve for one year; one original member who is a commercial tree expert shall serve for two years, the original member who is a plant pathologist shall serve for three years; the original member who is an entomologist shall serve for four years; the original member who is a representative of a state or municipal forestry or park department shall serve for five years. Each succeeding member of the Board shall serve for a term of four years. The term of each member shall commence on the first Monday in October of the year in which such member is appointed. Each member shall be licensed under this Act. Each original member of such Board shall receive a license if he meets the requirements of Section 5 (a) of this Act except that he need not take the examination required thereby.

The action or report in writing of a majority of the Board shall be sufficient authority on which the Department or the Director thereof may act. Whenever the Director is satisfied that substantial justice has not been done in any matter he may order a reconsideration of such matter by the Board or by a special Board. The number of members of a Special Board, their appointment and the qualifications of such members shall be as provided in this Section for an original Board.

Section 15. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proved would constitute grounds for refusal, suspension or revocation under this

Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel in reference hereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Board shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board shall not be sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Director shall continue such hearing for a period not to exceed 30 days.

The Department, over the signature of the Director or of any member of the Board, is authorized to subpoena and bring before the Board any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

Any member of the Board may administer oaths to witnesses at any hearing which the Board is authorized by law to conduct.

Section 16. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew, or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 25 cents per page for each carbon copy thereof ordered with the original; provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be 25 cents per page.

In any case involving the refusal to issue or renew or the suspension or revocation of a license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order in accordance with recommendations of the Board. If the respondent shall order and pay for a transcript of the record within the time

for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 17. Any circuit or superior court or any judge thereof, either in term time or vacation, may, upon application of the Director or of the applicant or licensee against whom proceedings under Section 14 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under that section. The court or judge may compel obedience to its or his order by proceedings for contempt.

Section 18. Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit or superior court of the county wherein such person resides, or in the case of a corporation, wherein the registered office is located. If the plaintiff in the review proceeding is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act".

The Department shall not be required to certify the record of the proceeding unless the plaintiff in the review proceedings shall first pay to the Board the sum of 75 cents per page of such record. Exhibits shall be certified without cost.

Section 19. Upon the revocation or suspension of any license, the licensee shall forthwith

surrender the license and any branch office licenses to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Section 20. The Director, on the recommendation of the Board, may issue regulations, consistent with the provisions of this act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Section 21. No action or counterclaim shall be maintained by any person in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such person had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Section 22. If any person violates the provisions of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such civil cases. If it is established that such person has violated or is violating this Act, the court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this section, the court, or any

judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Section 23. Any person violating the provisions of this Act shall, if an individual, be punished by a fine of not more than \$200, or imprisonment for not more than 2 months, or both; and, if a corporation, by a fine of not less than \$500.00.

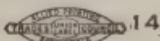
Any partner of a partnership or any director or officer of a corporation, which has violated any provision of this Act, shall also be deemed to be in violation thereof and, upon conviction, shall be subject to the penalties hereinabove set forth for individuals.

Section 24. This Act shall never be construed to relieve any person from civil liability or criminal prosecution under the general laws of this State.

Section 25. The following fees shall accompany each application for a license, which fees shall not be returnable:

- a. for an original license to an individual \$25.00
- b. for an original license to a partnership or corporation \$ 5.00
- c. for an annual renewal license.....\$ 5.00
- d. for each branch office license.....\$ 5.00

(3363—9-59)





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ILLINOIS

TREE EXPERTS ACT

STATE OF ILLINOIS
WILLIAM G. STRATTON
Governor



Department of
REGISTRATION AND EDUCATION

VERA M. BINKS

Director

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ILLINOIS TREE EXPERTS ACT

AN ACT to license and regulate tree experts, to provide penalties for the violation thereof and to make an appropriation therefor, approved July 5, 1957.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. As Used in this Act, unless the context otherwise requires:

"Person" includes any natural person, partnership, association, corporation or trust;

"Department" means the Department of Registration and Education of the State of Illinois;

"Director" means the Director of the Department of Registration and Education of the State of Illinois;

"Board" means the Tree Expert Examining Board provided for in this Act.

"Tree Expert" means any person who, for profit, diagnoses the condition of shade or ornamental trees and recommends or supervises the treatment of any such trees, or in any manner treats any such trees, by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods, or protects or attempts to protect any such trees from damage by insects or disease by spraying or any other method. (Amended by Act approved July 22, 1959.)

Section 2. No person shall engage in the business of a tree expert without having a license therefor issued by the Department. (Amended by Act approved July 22, 1959.)

Section 3. No license shall be issued under this Act except to an individual, a partnership or a corporation and no license shall be issued to a partnership or corporation unless at least one of the partners of the partnership or unless at least one officer or director of the corporation also holds a license as a tree expert issued by the Department under this Act.

Section 4. This Act shall not apply to:

- a. The United States of America, the State of Illinois, any county, municipality or political subdivision in this state, any department, bureau or agency of any of the foregoing or any official representative of any of the foregoing in the pursuit of his official duties;
- b. Any person with reference to trees on his own premises;
- c. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed tree expert, while in the performance of such functions;
- d. Any public utility, including its authorized employees and agents, when engaged in tree trimming and/or tree removal for the purpose of line clearance and in order to insure the continuity of utility service to the public.
- e. Any person holding a college degree in forestry. (Amended by Act approved July 22, 1959.)

Section 5. A license shall be issued where the applicant therefor;

- a. If an individual, is at least 21 years of age, is a citizen of the United States, is of good reputation for honesty and has knowledge and qualifications required of a tree expert by this Act;
- b. If a partnership, has at least one partner who has a license issued by the Department under this Act, or if a corporation, has at least one director or officer who has a license issued by the Department under this Act.

Section 6. Applications by individuals for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of

the Department will enable the Department to pass on the qualifications of the applicant for a license. It shall include, but need not be limited to information concerning age, citizenship, education, any physical infirmities, present and previous residences, present and previous business connections and experience, bank and professional references, whether any license of the applicant under this Act or any federal, state, county or local law, ordinance or regulation, ever was suspended or revoked and whether the applicant ever has been convicted of a felony.

Section 7. Except as otherwise provided in section 8 of this Act, each applicant for an original license, if an individual, shall take and pass an examination, which shall be given at least once each year, shall be in writing, shall cover his knowledge of this Act and shall include a test of the applicant's ability to:

1. Identify common trees found in the region, in summer and winter condition, in full tree form and from specimens of parts;
2. Describe the normal healthy form of the tree and its appearance, and state its rate of growth under normal and abnormal conditions and its normal length of life;
3. State the factors involved in maintaining the tree in good health and appearance in order to anticipate and prevent damage from various causes;
4. Describe the functions of the various parts of the tree, such as bark, leaves, wood and roots, and state the methods for determining whether or not these functions are being carried out;
5. Recognize the symptoms of any injuries to and abnormalities and weaknesses of the tree;
6. Recognize the agents, such as insects, animal pests, fungus or bacterial diseases, poor

soil, wind, frost, snow, lightning, gas and fumes, responsible for any injuries to and abnormalities or weaknesses of the tree;

7. State the relative susceptibility of different kinds of trees to injurious agents;

8. Demonstrate the various methods of pruning, bracing, cabling, cavity work, treatment of girdling roots and treatment of wounds;

9. State the basic chemical elements essential to tree life and growth, whether they are obtained from the air or soil, how they are taken up by the tree and which are likely to be deficient;

10. State how, when and in what amounts to apply fertilizers, the significance of fertilizer formulae and the manner and speed with which fertilizers composed of different ingredients, such as mineral salts, wood ashes, bone meal, blood meal, cottonseed meal and tankage, become available to the tree;

11. State when to spray or dust, the kind and strength of material which will most adequately control the insect or disease without injuring the tree and which spray materials can be used in combination without injuring the tree or fouling the spray apparatus;

12. Operate the equipment used in the application of insecticides and fungicides.

The questions asked on such examinations, and the grading and passing of applicants, shall be on the recommendation of the Tree Expert Examining Board, provided for in Section 13 of this Act.

Section 8. Any person who, on the effective date of this amendatory Act of 1959, has been actually engaged in the occupation, trade or business of a Commercial Tree Expert within the State of Illinois, for a period of five consecutive years or more, shall, upon application made prior to January 1, 1960, and payment of the required license fee, be issued a license hereunder, without examination, provided, how-

ever, that such applicant shall submit satisfactory proof that he has so engaged for such period. Such application and proof are reviewable by the Tree Expert Examining Board, and the Director shall make the final determination as to the sufficiency of such application and proof, and as to the issuance of a license. (Amended by Act approved July 22, 1959.)

Section 9. Applications by partnerships or corporations for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall list, but need not be limited to, the name of each partner, if a partnership, each director and officer, if a corporation, and shall indicate which of the partners, directors or officers, as the case may be, holds a license issued under this Act.

Section 10. Applications for renewal licenses, shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department, shall contain such information as will enable the Department to determine if the applicant is qualified to continue to hold a license and shall be accompanied by the required fee, which shall not be returnable.

Section 11. Each non-resident applicant for an original license or a renewal license, except a foreign corporation, shall file an irrevocable consent that actions against the applicant may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process in any action may be served on the applicant by leaving two copies thereof with the Director of the Department. Such consent shall stipulate and agree that such service of process shall be taken and

held to be valid and binding for all purposes. The Director shall send forthwith one copy of such process to the applicant at the address shown on the records of the Department by registered mail. No foreign corporation shall receive a license under this Act until it has been authorized to do business in this state by the Secretary of State.

Section 12. Each license shall be issued for the term of one calendar year or for such part thereof as remains at the time of the issuance thereof. Each license shall be renewed during the month of December of each year. Each license not renewed during December of each year shall expire on December 31, of that year. A tree expert whose license has expired may, at any time within 5 years after the expiration thereof, obtain a renewal license by making a renewal application therefor and by paying renewal license fees for each year since the expiration of his license. However, any tree expert whose license expired while he was (1) in federal service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed without paying any intervening renewal license fees if within 2 years after termination of such service, training or education other than by dishonorable discharge, he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

A license must be prominently displayed at each place of business of the tree expert. Where the tree expert conducts business at more than one address, branch office licenses shall be issued on payment of the required fee.

Each license shall be signed by the Director of the Department and shall be issued under the seal of the Department.

Section 13. The Department may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

- a. Material misstatement in the application for original license or in the application for any renewal license under this Act;
- b. Wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto;
- c. Wilfully aiding or abetting another in the violation of this Act or of any regulation or rule issued pursuant thereto;
- d. Allowing one's license under this Act to be used by an unlicensed person;
- e. Conviction of any crime an essential element of which is misstatement, fraud or dishonesty or conviction of any felony;
- f. Wilful disregard or violation of any substantial provision of any safety, labor or compensation law, ordinance or regulation of the United States of America, this State, any county, municipality or
- g. Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the business of a tree expert;
- h. Pursuing a continued course of misrepresentation or of making false promises through advertising, salesman, agents or otherwise in connection with the business of a tree expert;
- i. Failure to possess the necessary qualifications or to meet the requirements of this Act for the issuance or holding of a license.

Section 14. None of the powers, duties or functions of the Department or the Director thereof under this Act shall be exercised except upon action and written report of the Tree Expert Examining Board. Such Board shall be composed of five individuals appointed by the Director not more than two of whom shall be

commercial tree experts or arborists each of whom shall have been so engaged continuously for a period of 10 years prior to his appointment, one of whom shall be a plant pathologist, one of whom shall be an entomologist, and one of whom shall be a representative of a state or municipal forestry or park department.

One original member who is a commercial tree expert shall serve for one year; one original member who is a commercial tree expert shall serve for two years, the original member who is a plant pathologist shall serve for three years; the original member who is an entomologist shall serve for four years; the original member who is a representative of a state or municipal forestry or park department shall serve for five years. Each succeeding member of the Board shall serve for a term of four years. The term of each member shall commence on the first Monday in October of the year in which such member is appointed. Each member shall be licensed under this Act. Each original member of such Board shall receive a license if he meets the requirements of Section 5 (a) of this Act except that he need not take the examination required thereby.

The action or report in writing of a majority of the Board shall be sufficient authority on which the Department or the Director thereof may act. Whenever the Director is satisfied that substantial justice has not been done in any matter he may order a reconsideration of such matter by the Board or by a special Board. The number of members of a Special Board, their appointment and the qualifications of such members shall be as provided in this Section for an original Board.

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The Department, over the signature of the Director or of any member of the Board, is authorized to subpoena and bring before the Board any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

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Section 22. If any person violates the provisions of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such civil cases. If it is established that such person has violated or is violating this Act, the court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this section, the court, or any

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Section 23. Any person violating the provisions of this Act shall, if an individual, be punished by a fine of not more than \$200, or imprisonment for not more than 2 months, or both; and, if a corporation, by a fine of not less than \$500.00.

Any partner of a partnership or any director or officer of a corporation, which has violated any provision of this Act, shall also be deemed to be in violation thereof and, upon conviction, shall be subject to the penalties hereinabove set forth for individuals.

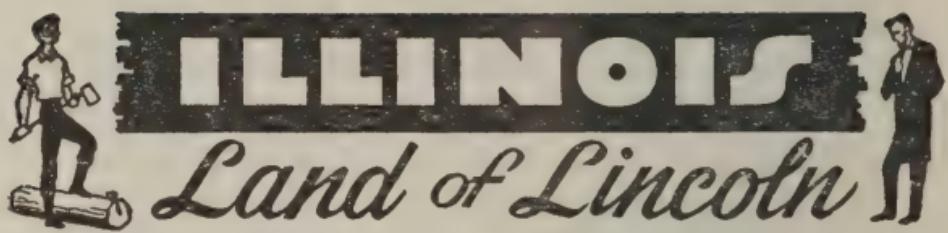
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1961

ILLINOIS TREE EXPERTS ACT

STATE OF ILLINOIS
OTTO KERNER, Governor



Department of
REGISTRATION AND EDUCATION
WILLIAM SYLVESTER WHITE
Director

SPRINGFIELD

1961

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"Director" means the Director of the Department of Registration and Education of the State of Illinois;

"Board" means the Tree Expert Examining Board provided for in this Act.

"Tree Expert" means any person who, for profit, diagnoses the condition of shade or ornamental trees and recommends or supervises the treatment of any such trees, or in any manner treats any such trees, by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods, or protects or attempts to protect any such trees from damage by insects or disease by spraying or any other method. (Amended by Act approved July 22, 1959.)

Section 2. No person shall engage in the business of a tree expert without having a license therefor issued by the Department. (Amended by Act approved July 22, 1959.)

Section 3. No license shall be issued under this Act except to an individual, a partnership or a corporation and no license shall be issued to a partnership or corporation unless at least one of the partners of the partnership or unless at least one officer or director of the corporation also holds a license as a tree expert issued by the Department under this Act.

Section 4. This Act shall not apply to:

- a. The United States of America, the State of Illinois, any county, municipality or political subdivision in this state, any department, bureau or agency of any of the foregoing or any official representative of any of the foregoing in the pursuit of his official duties;
- b. Any person with reference to trees on his own premises;
- c. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed tree expert, while in the performance of such functions;
- d. Any public utility, including its authorized employees and agents, when engaged in tree trimming and/or tree removal for the purpose of line clearance and in order to insure the continuity of utility service to the public.
- e. Any person holding a college degree in forestry. (Amended by Act approved July 22, 1959.)

Section 5. A license shall be issued where the applicant therefor;

- a. If an individual, is at least 21 years of age, is a citizen of the United States, is of good reputation for honesty and has knowledge and qualifications required of a tree expert by this Act;
- b. If a partnership, has at least one partner who has a license issued by the Department under this Act, or if a corporation, has at least one director or officer who has a license issued by the Department under this Act.

Section 6. Applications by individuals for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of

the Department will enable the Department to pass on the qualifications of the applicant for a license. It shall include, but need not be limited to information concerning age, citizenship, education, any physical infirmities, present and previous residences, present and previous business connections and experience, bank and professional references, whether any license of the applicant under this Act or any federal, state, county or local law, ordinance or regulation, ever was suspended or revoked and whether the applicant ever has been convicted of a felony.

Section 7. Except as otherwise provided in section 8 of this Act, each applicant for an original license, if an individual, shall take and pass an examination, which shall be given at least once each year, shall be in writing, shall cover his knowledge of this Act and shall include a test of the applicant's ability to:

1. Identify common trees found in the region, in summer and winter condition, in full tree form and from specimens of parts;
2. Describe the normal healthy form of the tree and its appearance, and state its rate of growth under normal and abnormal conditions and its normal length of life;
3. State the factors involved in maintaining the tree in good health and appearance in order to anticipate and prevent damage from various causes;
4. Describe the functions of the various parts of the tree, such as bark, leaves, wood and roots, and state the methods for determining whether or not these functions are being carried out;
5. Recognize the symptoms of any injuries to and abnormalities and weaknesses of the tree;
6. Recognize the agents, such as insects, animal pests, fungus or bacterial diseases, poor

soil, wind, frost, snow, lightning, gas and fumes, responsible for any injuries to and abnormalities or weaknesses of the tree;

7. State the relative susceptibility of different kinds of trees to injurious agents;

8. Demonstrate the various methods of pruning, bracing, cabling, cavity work, treatment of girdling roots and treatment of wounds;

9. State the basic chemical elements essential to tree life and growth, whether they are obtained from the air or soil, how they are taken up by the tree and which are likely to be deficient;

10. State how, when and in what amounts to apply fertilizers, the significance of fertilizer formulae and the manner and speed with which fertilizers composed of different ingredients, such as mineral salts, wood ashes, bone meal, blood meal, cottonseed meal and tankage, become available to the tree;

11. State when to spray or dust, the kind and strength of material which will most adequately control the insect or disease without injuring the tree and which spray materials can be used in combination without injuring the tree or fouling the spray apparatus;

12. Operate the equipment used in the application of insecticides and fungicides.

The questions asked on such examinations, and the grading and passing of applicants, shall be on the recommendation of the Tree Expert Examining Board, provided for in Section 14 of this Act.

Section 8. Any person who, on the effective date of this amendatory Act of 1959, has been actually engaged in the occupation, trade or business of a Commercial Tree Expert within the State of Illinois, for a period of five consecutive years or more, shall, upon application made prior to January 1, 1960, and payment of the required license fee, be issued a license hereunder, without examination, provided, how-

ever, that such applicant shall submit satisfactory proof that he has so engaged for such period. Such application and proof are reviewable by the Tree Expert Examining Board, and the Director shall make the final determination as to the sufficiency of such application and proof, and as to the issuance of a license. (Amended by Act approved July 22, 1959.)

Section 9. Applications by partnerships or corporations for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall list, but need not be limited to, the name of each partner, if a partnership, each director and officer, if a corporation, and shall indicate which of the partners, directors or officers, as the case may be, holds a license issued under this Act.

Section 10. Applications for renewal licenses, shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department, shall contain such information as will enable the Department to determine if the applicant is qualified to continue to hold a license and shall be accompanied by the required fee, which shall not be returnable.

Section 11. Each non-resident applicant for an original license or a renewal license, except a foreign corporation, shall file an irrevocable consent that actions against the applicant may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process in any action may be served on the applicant by leaving two copies thereof with the Director of the Department. Such consent shall stipulate and agree that such service of process shall be taken and

held to be valid and binding for all purposes. The Director shall send forthwith one copy of such process to the applicant at the address shown on the records of the Department by registered mail. No foreign corporation shall receive a license under this Act until it has been authorized to do business in this state by the Secretary of State.

Section 12. Each license shall be issued for the term of one calendar year or for such part thereof as remains at the time of the issuance thereof. Each license shall be renewed during the month of December of each year. Each license not renewed during December of each year shall expire on December 31, of that year. A tree expert whose license has expired may, at any time within 5 years after the expiration thereof, obtain a renewal license by making a renewal application therefor and by paying renewal license fees for each year since the expiration of his license. However, any tree expert whose license expired while he was (1) in federal service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed without paying any intervening renewal license fees if within 2 years after termination of such service, training or education other than by dishonorable discharge, he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

A license must be prominently displayed at each place of business of the tree expert. Where the tree expert conducts business at more than one address, branch office licenses shall be issued on payment of the required fee.

Each license shall be signed by the Director of the Department and shall be issued under the seal of the Department.

Section 13. The Department may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

- a. Material misstatement in the application for original license or in the application for any renewal license under this Act;
- b. Wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto;
- c. Wilfully aiding or abetting another in the violation of this Act or of any regulation or rule issued pursuant thereto;
- d. Allowing one's license under this Act to be used by an unlicensed person;
- e. Conviction of any crime an essential element of which is misstatement, fraud or dishonesty or conviction of any felony;
- f. Wilful disregard or violation of any substantial provision of any safety, labor or compensation law, ordinance or regulation of the United States of America, this State, any county, municipality or
- g. Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the business of a tree expert;
- h. Pursuing a continued course of misrepresentation or of making false promises through advertising, salesman, agents or otherwise in connection with the business of a tree expert;
- i. Failure to possess the necessary qualifications or to meet the requirements of this Act for the issuance or holding of a license.

Section 14. None of the powers, duties or functions of the Department or the Director thereof under this Act shall be exercised except upon action and written report of the Tree Expert Examining Board. Such Board shall be composed of five individuals appointed by the Director not more than two of whom shall be

commercial tree experts or arborists each of whom shall have been so engaged continuously for a period of 10 years prior to his appointment, one of whom shall be a plant pathologist, one of whom shall be an entomologist, and one of whom shall be a representative of a state or municipal forestry or park department.

One original member who is a commercial tree expert shall serve for one year; one original member who is a commercial tree expert shall serve for two years, the original member who is a plant pathologist shall serve for three years; the original member who is an entomologist shall serve for four years; the original member who is a representative of a state or municipal forestry or park department shall serve for five years. Each succeeding member of the Board shall serve for a term of four years. The term of each member shall commence on the first Monday in October of the year in which such member is appointed. Each member shall be licensed under this Act. Each original member of such Board shall receive a license if he meets the requirements of Section 5 (a) of this Act except that he need not take the examination required thereby.

The action or report in writing of a majority of the Board shall be sufficient authority on which the Department or the Director thereof may act. Whenever the Director is satisfied that substantial justice has not been done in any matter he may order a reconsideration of such matter by the Board or by a special Board. The number of members of a Special Board, their appointment and the qualifications of such members shall be as provided in this Section for an original Board.

Section 15. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proved would constitute grounds for refusal, suspension or revocation under this

Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel in reference hereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Board shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board shall not be sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Director shall continue such hearing for a period not to exceed 30 days.

The Department, over the signature of the Director or of any member of the Board, is authorized to subpoena and bring before the Board any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

Any member of the Board may administer oaths to witnesses at any hearing which the Board is authorized by law to conduct.

Section 16. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew, or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 25 cents per page for each carbon copy thereof ordered with the original; provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be 25 cents per page.

In any case involving the refusal to issue or renew or the suspension or revocation of a license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order in accordance with recommendations of the Board. If the respondent shall order and pay for a transcript of the record within the time

for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 17. Any circuit or superior court or any judge thereof, either in term time or vacation, may, upon application of the Director or of the applicant or licensee against whom proceedings under Section 15 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under that section. The court or judge may compel obedience to its or his order by proceedings for contempt.

Section 18. Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit or superior court of the county wherein such person resides, or in the case of a corporation, wherein the registered office is located. If the plaintiff in the review proceeding is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act".

The Department shall not be required to certify the record of the proceeding unless the plaintiff in the review proceedings shall first pay to the Board the sum of 75 cents per page of such record. Exhibits shall be certified without cost.

Section 19. Upon the revocation or suspension of any license, the licensee shall forthwith

surrender the license and any branch office licenses to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Section 20. The Director, on the recommendation of the Board, may issue regulations, consistent with the provisions of this act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Section 21. No action or counterclaim shall be maintained by any person in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such person had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Section 22. If any person violates the provisions of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such civil cases. If it is established that such person has violated or is violating this Act, the court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this section, the court, or any

judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Section 23. Any person violating the provisions of this Act shall, if an individual, be punished by a fine of not more than \$200, or imprisonment for not more than 2 months, or both; and, if a corporation, by a fine of not less than \$500.00.

Any partner of a partnership or any director or officer of a corporation, which has violated any provision of this Act, shall also be deemed to be in violation thereof and, upon conviction, shall be subject to the penalties hereinabove set forth for individuals.

Section 24. This Act shall never be construed to relieve any person from civil liability or criminal prosecution under the general laws of this State.

Section 25. The following fees shall accompany each application for a license, which fees shall not be returnable:

- a. for an original license to an individual \$25.00
- b. for an original license to a partnership or corporation \$ 5.00
- c. for an annual renewal license.....\$ 5.00
- d. for each branch office license.....\$ 5.00

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ILLINOIS TREE EXPERTS ACT

STATE OF ILLINOIS
OTTO KERNER, Governor



Department of
REGISTRATION AND EDUCATION
WILLIAM SYLVESTER WHITE
Director

SPRINGFIELD

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ILLINOIS TREE EXPERTS ACT

AN ACT to license and regulate tree experts, to provide penalties for the violation thereof and to make an appropriation therefor, approved July 5, 1957.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. As Used in this Act, unless the context otherwise requires:

"Person" includes any natural person, partnership, association, corporation or trust;

"Department" means the Department of Registration and Education of the State of Illinois;

"Director" means the Director of the Department of Registration and Education of the State of Illinois;

"Board" means the Tree Expert Examining Board provided for in this Act.

"Tree Expert" means any person who, for profit, diagnoses the condition of shade or ornamental trees and recommends or supervises the treatment of any such trees, or in any manner treats any such trees, by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods, or protects or attempts to protect any such trees from damage by insects or disease by spraying or any other method. (Amended by Act approved July 22, 1959.)

Section 2. No person shall engage in the business of a tree expert without having a license therefor issued by the Department. (Amended by Act approved July 22, 1959.)

Section 3. No license shall be issued under this Act except to an individual, a partnership or a corporation and no license shall be issued to a partnership or corporation unless at least one of the partners of the partnership or unless at least one officer or director of the corporation also holds a license as a tree expert issued by the Department under this Act.

Section 4. This Act shall not apply to:

- a. The United States of America, the State of Illinois, any county, municipality or political subdivision in this state, any department, bureau or agency of any of the foregoing or any official representative of any of the foregoing in the pursuit of his official duties;
- b. Any person with reference to trees on his own premises;
- c. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed tree expert, while in the performance of such functions;
- d. Any public utility, including its authorized employees and agents, when engaged in tree trimming and/or tree removal for the purpose of line clearance and in order to insure the continuity of utility service to the public.
- e. Any person holding a college degree in forestry. (Amended by Act approved July 22, 1959.)

Section 5. A license shall be issued where the applicant therefor;

- a. If an individual, is at least 21 years of age, is a citizen of the United States, is of good reputation for honesty and has knowledge and qualifications required of a tree expert by this Act;
- b. If a partnership, has at least one partner who has a license issued by the Department under this Act, or if a corporation, has at least one director or officer who has a license issued by the Department under this Act.

Section 6. Applications by individuals for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of

the Department will enable the Department to pass on the qualifications of the applicant for a license. It shall include, but need not be limited to information concerning age, citizenship, education, any physical infirmities, present and previous residences, present and previous business connections and experience, bank and professional references, whether any license of the applicant under this Act or any federal, state, county or local law, ordinance or regulation, ever was suspended or revoked and whether the applicant ever has been convicted of a felony.

Section 7. Except as otherwise provided in section 8 of this Act, each applicant for an original license, if an individual, shall take and pass an examination, which shall be given at least once each year, shall be in writing, shall cover his knowledge of this Act and shall include a test of the applicant's ability to:

1. Identify common trees found in the region, in summer and winter condition, in full tree form and from specimens of parts;
2. Describe the normal healthy form of the tree and its appearance, and state its rate of growth under normal and abnormal conditions and its normal length of life;
3. State the factors involved in maintaining the tree in good health and appearance in order to anticipate and prevent damage from various causes;
4. Describe the functions of the various parts of the tree, such as bark, leaves, wood and roots, and state the methods for determining whether or not these functions are being carried out;
5. Recognize the symptoms of any injuries to and abnormalities and weaknesses of the tree;
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10. State how, when and in what amounts to apply fertilizers, the significance of fertilizer formulae and the manner and speed with which fertilizers composed of different ingredients, such as mineral salts, wood ashes, bone meal, blood meal, cottonseed meal and tankage, become available to the tree;

11. State when to spray or dust, the kind and strength of material which will most adequately control the insect or disease without injuring the tree and which spray materials can be used in combination without injuring the tree or fouling the spray apparatus;

12. Operate the equipment used in the application of insecticides and fungicides.

The questions asked on such examinations, and the grading and passing of applicants, shall be on the recommendation of the Tree Expert Examining Board, provided for in Section 14 of this Act.

Section 8. Any person who, on the effective date of this amendatory Act of 1959, has been actually engaged in the occupation, trade or business of a Commercial Tree Expert within the State of Illinois, for a period of five consecutive years or more, shall, upon application made prior to January 1, 1960, and payment of the required license fee, be issued a license hereunder, without examination, provided, how-

ever, that such applicant shall submit satisfactory proof that he has so engaged for such period. Such application and proof are reviewable by the Tree Expert Examining Board, and the Director shall make the final determination as to the sufficiency of such application and proof, and as to the issuance of a license. (Amended by Act approved July 22, 1959.)

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- b. Wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto;
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- d. Allowing one's license under this Act to be used by an unlicensed person;
- e. Conviction of any crime an essential element of which is misstatement, fraud or dishonesty or conviction of any felony;
- f. Wilful disregard or violation of any substantial provision of any safety, labor or compensation law, ordinance or regulation of the United States of America, this State, any county, municipality or
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The action or report in writing of a majority of the Board shall be sufficient authority on which the Department or the Director thereof may act. Whenever the Director is satisfied that substantial justice has not been done in any matter he may order a reconsideration of such matter by the Board or by a special Board. The number of members of a Special Board, their appointment and the qualifications of such members shall be as provided in this Section for an original Board.

Section 15. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proved would constitute grounds for refusal, suspension or revocation under this

Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel in reference hereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Board shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board shall not be sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Director shall continue such hearing for a period not to exceed 30 days.

The Department, over the signature of the Director or of any member of the Board, is authorized to subpoena and bring before the Board any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

Any member of the Board may administer oaths to witnesses at any hearing which the Board is authorized by law to conduct.

Section 16. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew, or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 25 cents per page for each carbon copy thereof ordered with the original; provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be 25 cents per page.

In any case involving the refusal to issue or renew or the suspension or revocation of a license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order in accordance with recommendations of the Board. If the respondent shall order and pay for a transcript of the record within the time

for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 17. Any circuit or superior court or any judge thereof, either in term time or vacation, may, upon application of the Director or of the applicant or licensee against whom proceedings under Section 15 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under that section. The court or judge may compel obedience to its or his order by proceedings for contempt.

Section 18. Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit or superior court of the county wherein such person resides, or in the case of a corporation, wherein the registered office is located. If the plaintiff in the review proceeding is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act".

The Department shall not be required to certify the record of the proceeding unless the plaintiff in the review proceedings shall first pay to the Board the sum of 75 cents per page of such record. Exhibits shall be certified without cost.

Section 19. Upon the revocation or suspension of any license, the licensee shall forthwith

surrender the license and any branch office licenses to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Section 20. The Director, on the recommendation of the Board, may issue regulations, consistent with the provisions of this act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Section 21. No action or counterclaim shall be maintained by any person in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such person had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Section 22. If any person violates the provisions of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such civil cases. If it is established that such person has violated or is violating this Act, the court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this section, the court, or any

judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Section 23. Any person violating the provisions of this Act shall, if an individual, be punished by a fine of not more than \$200, or imprisonment for not more than 2 months, or both; and, if a corporation, by a fine of not less than \$500.00.

Any partner of a partnership or any director or officer of a corporation, which has violated any provision of this Act, shall also be deemed to be in violation thereof and, upon conviction, shall be subject to the penalties hereinabove set forth for individuals.

Section 24. This Act shall never be construed to relieve any person from civil liability or criminal prosecution under the general laws of this State.

Section 25. The following fees shall accompany each application for a license, which fees shall not be returnable:

- a. for an original license to an individual \$25.00
- b. for an original license to a partnership or corporation \$ 5.00
- c. for an annual renewal license.....\$ 5.00
- d. for each branch office license.....\$ 5.00

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ILLINOIS TREE EXPERTS ACT

STATE OF ILLINOIS
OTTO KERNER, Governor



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REGISTRATION AND EDUCATION
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Director

SPRINGFIELD

1963

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ILLINOIS TREE EXPERTS ACT

AN ACT to license and regulate tree experts, to provide penalties for the violation thereof and to make an appropriation therefor, approved July 5, 1957, as amended.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. As Used in this Act, unless the context otherwise requires:

"Person" includes any natural person, partnership, association, corporation or trust;

"Department" means the Department of Registration and Education of the State of Illinois;

"Director" means the Director of the Department of Registration and Education of the State of Illinois;

"Board" means the Tree Expert Examining Board provided for in this Act.

"Tree Expert" means any person who, for profit, diagnoses the condition of shade or ornamental trees and recommends or supervises the treatment of any such trees, or in any manner treats any such trees, by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods, or protects or attempts to protect any such trees from damage by insects or disease by spraying or any other method. (Amended by Act approved July 22, 1959.)

Section 2. No person shall engage in the business of a tree expert without having a license therefor issued by the Department. (Amended by Act approved July 22, 1959.)

Section 3. No license shall be issued under this Act except to an individual, a partnership or a corporation and no license shall be issued to a partnership or corporation unless at least one of the partners of the partnership or unless at least one officer or director of the corporation also holds a license as a tree expert issued by the Department under this Act.

Section 4. This Act shall not apply to:

- a. The United States of America, the State of Illinois, any county, municipality or political subdivision in this state, any department, bureau or agency of any of the foregoing or any official representative of any of the foregoing in the pursuit of his official duties;
- b. Any person with reference to trees on his own premises;
- c. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed tree expert, while in the performance of such functions;
- d. Any public utility, including its authorized employees and agents, when engaged in tree trimming and/or tree removal for the purpose of line clearance and in order to insure the continuity of utility service to the public.
- e. Any person holding a college degree in forestry. (Amended by Act approved July 22, 1959.)

Section 5. A license shall be issued where the applicant therefor;

- a. If an individual, is at least 21 years of age, is a citizen of the United States, is of good reputation for honesty and has knowledge and qualifications required of a tree expert by this Act;
- b. If a partnership, has at least one partner who has a license issued by the Department under this Act, or if a corporation, has at least one director or officer who has a license issued by the Department under this Act.

Section 6. Applications by individuals for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of

the Department will enable the Department to pass on the qualifications of the applicant for a license. It shall include, but need not be limited to information concerning age, citizenship, education, any physical infirmities, present and previous residences, present and previous business connections and experience, bank and professional references, whether any license of the applicant under this Act or any federal, state, county or local law, ordinance or regulation, ever was suspended or revoked and whether the applicant ever has been convicted of a felony.

Section 7. Except as otherwise provided in section 8 of this Act, each applicant for an original license, if an individual, shall take and pass an examination, which shall be given at least once each year, shall be in writing, shall cover his knowledge of this Act and shall include a test of the applicant's ability to:

1. Identify common trees found in the region, in summer and winter condition, in full tree form and from specimens of parts;
2. Describe the normal healthy form of the tree and its appearance, and state its rate of growth under normal and abnormal conditions and its normal length of life;
3. State the factors involved in maintaining the tree in good health and appearance in order to anticipate and prevent damage from various causes;
4. Describe the functions of the various parts of the tree, such as bark, leaves, wood and roots, and state the methods for determining whether or not these functions are being carried out;
5. Recognize the symptoms of any injuries to and abnormalities and weaknesses of the tree;
6. Recognize the agents, such as insects, animal pests, fungus or bacterial diseases, poor

soil, wind, frost, snow, lightning, gas and fumes, responsible for any injuries to and abnormalities or weaknesses of the tree;

7. State the relative susceptibility of different kinds of trees to injurious agents;

8. Demonstrate the various methods of pruning, bracing, cabling, cavity work, treatment of girdling roots and treatment of wounds;

9. State the basic chemical elements essential to tree life and growth, whether they are obtained from the air or soil, how they are taken up by the tree and which are likely to be deficient;

10. State how, when and in what amounts to apply fertilizers, the significance of fertilizer formulae and the manner and speed with which fertilizers composed of different ingredients, such as mineral salts, wood ashes, bone meal, blood meal, cottonseed meal and tankage, become available to the tree;

11. State when to spray or dust, the kind and strength of material which will most adequately control the insect or disease without injuring the tree and which spray materials can be used in combination without injuring the tree or fouling the spray apparatus;

12. Operate the equipment used in the application of insecticides and fungicides.

The questions asked on such examinations, and the grading and passing of applicants, shall be on the recommendation of the Tree Expert Examining Board, provided for in Section 14 of this Act.

Section 8. Any person who, on the effective date of this amendatory Act of 1959, has been actually engaged in the occupation, trade or business of a Commercial Tree Expert within the State of Illinois, for a period of five consecutive years or more, shall, upon application made prior to January 1, 1960, and payment of the required license fee, be issued a license hereunder, without examination, provided, how-

ever, that such applicant shall submit satisfactory proof that he has so engaged for such period. Such application and proof are reviewable by the Tree Expert Examining Board, and the Director shall make the final determination as to the sufficiency of such application and proof, and as to the issuance of a license. (Amended by Act approved July 22, 1959.)

Section 9. Applications by partnerships or corporations for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall list, but need not be limited to, the name of each partner, if a partnership, each director and officer, if a corporation, and shall indicate which of the partners, directors or officers, as the case may be, holds a license issued under this Act.

Section 10. Applications for renewal licenses, shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department, shall contain such information as will enable the Department to determine if the applicant is qualified to continue to hold a license and shall be accompanied by the required fee, which shall not be returnable.

Section 11. Each non-resident applicant for an original license or a renewal license, except a foreign corporation, shall file an irrevocable consent that actions against the applicant may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process in any action may be served on the applicant by leaving two copies thereof with the Director of the Department. Such consent shall stipulate and agree that such service of process shall be taken and

held to be valid and binding for all purposes. The Director shall send forthwith one copy of such process to the applicant at the address shown on the records of the Department by registered mail. No foreign corporation shall receive a license under this Act until it has been authorized to do business in this state by the Secretary of State.

Section 12. Each license shall be issued for the term of one calendar year or for such part thereof as remains at the time of the issuance thereof. Each license shall be renewed during the month of December of each year. Each license not renewed during December of each year shall expire on December 31, of that year. A tree expert whose license has expired may, at any time within 5 years after the expiration thereof, obtain a reinstated license by making a reinstatement application therefor and by paying renewal license fees for each year since the expiration of his license.

Any tree expert whose license has expired for more than 5 years may have his license restored by paying the required restoration fee.

However, any tree expert whose license has expired while he has been engaged (1) in federal service in active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license restored without paying any lapsed renewal fees or restoration fee, if within 2 years after termination of such service, training or education, other than by dishonorable discharge, he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

A license must be prominently displayed at each place of business of the tree expert. Where the tree expert conducts business at more than one address, branch office licenses shall be issued on payment of the required fee.

Each license shall be signed by the Director of the Department and shall be issued under the seal of the Department. (Amended by Act approved)

Section 13. The Department may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

a. Material misstatement in the application for original license or in the application for any renewal license under this Act;

b. Wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto;

c. Wilfully aiding or abetting another in the violation of this Act or of any regulation or rule issued pursuant thereto;

d. Allowing one's license under this Act to be used by an unlicensed person;

e. Conviction of any crime an essential element of which is misstatement, fraud or dishonesty or conviction of any felony;

f. Wilful disregard or violation of any substantial provision of any safety, labor or compensation law, ordinance or regulation of the United States of America, this State, any county, municipality or

g. Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the business of a tree expert;

h. Pursuing a continued course of misrepresentation or of making false promises through advertising, salesman, agents or otherwise in connection with the business of a tree expert;

i. Failure to possess the necessary qualifica-

tions or to meet the requirements of this Act for the issuance or holding of a license.

Section 14. None of the powers, duties or functions of the Department or the Director thereof under this Act shall be exercised except upon action and written report of the Tree Expert Examining Board. Such Board shall be composed of five individuals appointed by the Director not more than two of whom shall be commercial tree experts or arborists each of whom shall have been so engaged continuously for a period of 10 years prior to his appointment, one of whom shall be a plant pathologist, one of whom shall be an entomologist, and one of whom shall be a representative of a state or municipal forestry or park department.

One original member who is a commercial tree expert shall serve for one year; one original member who is a commercial tree expert shall serve for two years, the original member who is a plant pathologist shall serve for three years; the original member who is an entomologist shall serve for four years; the original member who is a representative of a state or municipal forestry or park department shall serve for five years. Each succeeding member of the Board shall serve for a term of four years. The term of each member shall commence on the first Monday in October of the year in which such member is appointed. Each member shall be licensed under this Act. Each original member of such Board shall receive a license if he meets the requirements of Section 5 (a) of this Act except that he need not take the examination required thereby.

The action or report in writing of a majority of the Board shall be sufficient authority on which the Department or the Director thereof may act. Whenever the Director is satisfied that substantial justice has not been done in any matter he may order a reconsideration of

such matter by the Board or by a special Board. The number of members of a Special Board, their appointment and the qualifications of such members shall be as provided in this Section for an original Board.

Section 15. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proved would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel in reference hereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Board shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board shall not be sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Director shall continue such hearing for a period not to exceed 30 days.

The Department, over the signature of the Director or of any member of the Board, is authorized to subpoena and bring before the Board any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

Any member of the Board may administer oaths to witnesses at any hearing which the Board is authorized by law to conduct.

Section 16. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew, or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 25 cents per page for each carbon copy thereof ordered with the original; provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be 25 cents per page.

In any case involving the refusal to issue or renew or the suspension or revocation of a license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to

the Department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order in accordance with recommendations of the Board. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 17. Any circuit or superior court or any judge thereof, either in term time or vacation, may, upon application of the Director or of the applicant or licensee against whom proceedings under Section 15 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under that section. The court or judge may compel obedience to its or his order by proceedings for contempt.

Section 18. Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit or superior court of the county wherein such person resides, or in the case of a corporation, wherein the registered office is located. If the plaintiff in the review proceeding is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "ad-

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The Department shall not be required to certify the record of the proceeding unless the plaintiff in the review proceedings shall first pay to the Board the sum of 75 cents per page of such record. Exhibits shall be certified without cost.

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Section 21. No action or counterclaim shall be maintained by any person in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such person had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Section 22. If any person violates the provisions of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in

such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such civil cases. If it is established that such person has violated or is violating this Act, the court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

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e. for the restoration of a license that
has expired for five years or
more \$75.00

(Amended by Act approved

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1965

ILLINOIS TREE EXPERTS ACT

STATE OF ILLINOIS
OTTO KERNER, Governor



DEPARTMENT OF
REGISTRATION AND EDUCATION
JOHN C. WATSON, Director
SPRINGFIELD

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- c. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed tree expert, while in the performance of such functions;
- d. Any public utility, including its authorized employees and agents, when engaged in tree trimming and/or tree removal for the purpose of line clearance and in order to insure the continuity of utility service to the public.
- e. Any person holding a college degree in forestry. (Amended by Act approved July 22, 1959.)

Section 5. A license shall be issued where the applicant therefor;

- a. If an individual, is at least 21 years of age, is a citizen of the United States, is of good reputation for honesty and has knowledge and qualifications required of a tree expert by this Act;
- b. If a partnership, has at least one partner who has a license issued by the Department under this Act, or if a corporation, has at least one director or officer who has a license issued by the Department under this Act.

Section 6. Applications by individuals for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of

the Department will enable the Department to pass on the qualifications of the applicant for a license. It shall include, but need not be limited to information concerning age, citizenship, education, any physical infirmities, present and previous residences, present and previous business connections and experience, bank and professional references, whether any license of the applicant under this Act or any federal, state, county or local law, ordinance or regulation, ever was suspended or revoked and whether the applicant ever has been convicted of a felony.

Section 7. Except as otherwise provided in section 8 of this Act, each applicant for an original license, if an individual, shall take and pass an examination, which shall be given at least once each year, shall be in writing, shall cover his knowledge of this Act and shall include a test of the applicant's ability to:

1. Identify common trees found in the region, in summer and winter condition, in full tree form and from specimens of parts;
2. Describe the normal healthy form of the tree and its appearance, and state its rate of growth under normal and abnormal conditions and its normal length of life;
3. State the factors involved in maintaining the tree in good health and appearance in order to anticipate and prevent damage from various causes;
4. Describe the functions of the various parts of the tree, such as bark, leaves, wood and roots, and state the methods for determining whether or not these functions are being carried out;
5. Recognize the symptoms of any injuries to and abnormalities and weaknesses of the tree;
6. Recognize the agents, such as insects, animal pests, fungus or bacterial diseases, poor

soil, wind, frost, snow, lightning, gas and fumes, responsible for any injuries to and abnormalities or weaknesses of the tree;

7. State the relative susceptibility of different kinds of trees to injurious agents;

8. Demonstrate the various methods of pruning, bracing, cabling, cavity work, treatment of girdling roots and treatment of wounds;

9. State the basic chemical elements essential to tree life and growth, whether they are obtained from the air or soil, how they are taken up by the tree and which are likely to be deficient;

10. State how, when and in what amounts to apply fertilizers, the significance of fertilizer formulae and the manner and speed with which fertilizers composed of different ingredients, such as mineral salts, wood ashes, bone meal, blood meal, cottonseed meal and tankage, become available to the tree;

11. State when to spray or dust, the kind and strength of material which will most adequately control the insect or disease without injuring the tree and which spray materials can be used in combination without injuring the tree or fouling the spray apparatus;

12. Operate the equipment used in the application of insecticides and fungicides.

The questions asked on such examinations, and the grading and passing of applicants, shall be on the recommendation of the Tree Expert Examining Board, provided for in Section 14 of this Act.

Section 8. Any person who, on the effective date of this amendatory Act of 1959, has been actually engaged in the occupation, trade or business of a Commercial Tree Expert within the State of Illinois, for a period of five consecutive years or more, shall, upon application made prior to January 1, 1960, and payment of the required license fee, be issued a license hereunder, without examination, provided, how-

ever, that such applicant shall submit satisfactory proof that he has so engaged for such period. Such application and proof are reviewable by the Tree Expert Examining Board, and the Director shall make the final determination as to the sufficiency of such application and proof, and as to the issuance of a license. (Amended by Act approved July 22, 1959.)

Section 9. Applications by partnerships or corporations for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall list, but need not be limited to, the name of each partner, if a partnership, each director and officer, if a corporation, and shall indicate which of the partners, directors or officers, as the case may be, holds a license issued under this Act.

Section 10. Applications for renewal licenses, shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department, shall contain such information as will enable the Department to determine if the applicant is qualified to continue to hold a license and shall be accompanied by the required fee, which shall not be returnable.

Section 11. Each non-resident applicant for an original license or a renewal license, except a foreign corporation, shall file an irrevocable consent that actions against the applicant may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process in any action may be served on the applicant by leaving two copies thereof with the Director of the Department. Such consent shall stipulate and agree that such service of process shall be taken and

held to be valid and binding for all purposes. The Director shall send forthwith one copy of such process to the applicant at the address shown on the records of the Department by registered mail. No foreign corporation shall receive a license under this Act until it has been authorized to do business in this state by the Secretary of State.

Section 12. Each license shall be issued for the term of one calendar year or for such part thereof as remains at the time of the issuance thereof. Each license shall be renewed during the month of December of each year. Each license not renewed during December of each year shall expire on December 31, of that year. A tree expert whose license has expired may, at any time within 5 years after the expiration thereof, obtain a reinstated license by making a reinstatement application therefor and by paying renewal license fees for each year since the expiration of his license.

Any tree expert whose license has expired for more than 5 years may have his license restored by paying the required restoration fee.

However, any tree expert whose license has expired while he has been engaged (1) in federal service in active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license restored without paying any lapsed renewal fees or restoration fee, if within 2 years after termination of such service, training or education, other than by dishonorable discharge, he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

A license must be prominently displayed at each place of business of the tree expert. Where the tree expert conducts business at more than one address, branch office licenses shall be issued on payment of the required fee.

Each license shall be signed by the Director of the Department and shall be issued under the seal of the Department. (Amended by Act approved)

Section 13. The Department may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

- a. Material misstatement in the application for original license or in the application for any renewal license under this Act;
- b. Wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto;
- c. Wilfully aiding or abetting another in the violation of this Act or of any regulation or rule issued pursuant thereto;
- d. Allowing one's license under this Act to be used by an unlicensed person;
- e. Conviction of any crime an essential element of which is misstatement, fraud or dishonesty or conviction of any felony;
- f. Wilful disregard or violation of any substantial provision of any safety, labor or compensation law, ordinance or regulation of the United States of America, this State, any county, municipality or
- g. Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the business of a tree expert;
- h. Pursuing a continued course of misrepresentation or of making false promises through advertising, salesman, agents or otherwise in connection with the business of a tree expert;
- i. Failure to possess the necessary qualifica-

tions or to meet the requirements of this Act for the issuance or holding of a license.

Section 14. None of the powers, duties or functions of the Department or the Director thereof under this Act shall be exercised except upon action and written report of the Tree Expert Examining Board. Such Board shall be composed of five individuals appointed by the Director not more than two of whom shall be commercial tree experts or arborists each of whom shall have been so engaged continuously for a period of 10 years prior to his appointment, one of whom shall be a plant pathologist, one of whom shall be an entomologist, and one of whom shall be a representative of a state or municipal forestry or park department.

One original member who is a commercial tree expert shall serve for one year; one original member who is a commercial tree expert shall serve for two years, the original member who is a plant pathologist shall serve for three years; the original member who is an entomologist shall serve for four years; the original member who is a representative of a state or municipal forestry or park department shall serve for five years. Each succeeding member of the Board shall serve for a term of four years. The term of each member shall commence on the first Monday in October of the year in which such member is appointed. Each member shall be licensed under this Act. Each original member of such Board shall receive a license if he meets the requirements of Section 5 (a) of this Act except that he need not take the examination required thereby.

The action or report in writing of a majority of the Board shall be sufficient authority on which the Department or the Director thereof may act. Whenever the Director is satisfied that substantial justice has not been done in any matter he may order a reconsideration of

such matter by the Board or by a special Board. The number of members of a Special Board, their appointment and the qualifications of such members shall be as provided in this Section for an original Board.

Section 15. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proved would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel in reference hereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Board shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board shall not be sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Director shall continue such hearing for a period not to exceed 30 days.

The Department, over the signature of the Director or of any member of the Board, is authorized to subpoena and bring before the Board any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

Any member of the Board may administer oaths to witnesses at any hearing which the Board is authorized by law to conduct.

Section 16. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew, or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 25 cents per page for each carbon copy thereof ordered with the original; provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be 25 cents per page.

In any case involving the refusal to issue or renew or the suspension or revocation of a license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to

the Department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order in accordance with recommendations of the Board. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 17. Any circuit or superior court or any judge thereof, either in term time or vacation, may, upon application of the Director or of the applicant or licensee against whom proceedings under Section 15 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under that section. The court or judge may compel obedience to its or his order by proceedings for contempt.

Section 18. Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit or superior court of the county wherein such person resides, or in the case of a corporation, wherein the registered office is located. If the plaintiff in the review proceeding is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "ad-

ministrative decision" is defined as in Section 1 of said "Administrative Review Act".

The Department shall not be required to certify the record of the proceeding unless the plaintiff in the review proceedings shall first pay to the Board the sum of 75 cents per page of such record. Exhibits shall be certified without cost.

Section 19. Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license and any branch office licenses to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Section 20. The Director, on the recommendation of the Board, may issue regulations, consistent with the provisions of this act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Section 21. No action or counterclaim shall be maintained by any person in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such person had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Section 22. If any person violates the provisions of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in

such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such civil cases. If it is established that such person has violated or is violating this Act, the court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Section 23. Any person violating the provisions of this Act shall, if an individual, be punished by a fine of not more than \$200, or imprisonment for not more than 2 months, or both; and, if a corporation, by a fine of not less than \$500.00.

Any partner of a partnership or any director or officer of a corporation, which has violated any provision of this Act, shall also be deemed to be in violation thereof and, upon conviction, shall be subject to the penalties hereinabove set forth for individuals.

Section 24. This Act shall never be construed to relieve any person from civil liability or criminal prosecution under the general laws of this State.

Section 25. The following fees shall accompany each application for a license, which fees shall not be returnable:

- a. for an original license to an individual \$35.00
- b. for an original license to a partnership or corporation \$10.00
- c. for an annual renewal license.....\$10.00
- d. for each branch office license.....\$10.00

- e. for the restoration of a license that
has expired for five years or
more \$75.00
(Amended by Act approved

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The Illinois Tree Experts Act

Ill. Rev. Stat. 1967 Chap. 5 Sec. 163 to 187

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1968

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TREE EXPERTS

Act of July 5, 1957

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TREE EXPERTS

AN ACT to license and regulate tree experts, to provide penalties for the violation thereof and to make an appropriation therefor. (Approved July 5, 1957.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec. 1. [Definitions.] As used in this Act, unless the context otherwise requires:

“Person” includes any natural person, partnership, association, corporation or trust;

“Department” means the Department of Registration and Education of the State of Illinois;

“Director” means the Director of the Department of Registration and Education of the State of Illinois;

“Board” means the Tree Expert Examining Board provided for in this Act;

“Tree Expert” means any person who, for profit, diagnoses the condition of shade or ornamental trees and recommends or supervises the treatment of any such trees, or in any manner treats any such trees, by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods, or protects or attempts to protect any such trees from damage by insects or disease by spraying or any other method. (As amended by act approved July 22, 1959.)

Sec. 2. [License required.] No person shall engage in the business of a tree expert without having a license therefor issued by the Department. (As amended by act approved July 22, 1959.)

Sec. 3. [Licenses—Issuance.] No license shall be issued under this Act except to an

individual, a partnership or a corporation and no license shall be issued to a partnership or corporation unless at least one of the partners of the partnership or unless at least one officer or director of the corporation also holds a license as a tree expert issued by the Department under this Act.

Sec. 4. [Application of act.] This Act shall not apply to:

a. The United States of America, the State of Illinois, any county, municipality or political subdivision in this state, any department, bureau or agency of any of the foregoing or any official representative of any of the foregoing in the pursuit of his official duties;

b. Any person with reference to trees on his own premises;

c. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed tree expert, while in the performance of such functions;

d. Any public utility, including its authorized employees and agents, when engaged in tree trimming and/or tree removal for the purpose of line clearance and in order to insure the continuity of utility service to the public.

e. Any person holding a college degree in forestry. (As amended by act approved July 22, 1959.)

Sec. 5. [Licenses—Qualifications.] A license shall be issued where the applicant therefor:

a. If an individual, is at least 21 years of age, is a citizen of the United States, is of good reputation for honesty and has knowledge and qualifications required of a tree expert by this Act;

b. If a partnership, has at least one partner who has a license issued by the Department under this Act, or if a corporation, has

at least one director or officer who has a license issued by the Department under this Act.

Sec. 6. [Applications for licenses by individuals—Contents.] Applications by individuals for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license. It shall include, but need not be limited to information concerning age, citizenship, education, any physical infirmities, present and previous residences, present and previous business connections and experience, bank and professional references, whether any license of the applicant under this Act or any federal, state, county or local law, ordinance or regulation, ever was suspended or revoked and whether the applicant ever has been convicted of a felony.

Sec. 7. [Examination.] Except as otherwise provided in section 8 of this Act, each applicant for an original license, if an individual, shall take and pass an examination, which shall be given at least once each year, shall be in writing, shall cover his knowledge of this Act and shall include a test of the applicant's ability to:

1. Identify common trees found in the region, in summer and winter condition, in full tree form and from specimens of parts;
2. Describe the normal healthy form of the tree and its appearance, and state its rate of growth under normal and abnormal conditions and its normal length of life;

3. State the factors involved in maintaining the tree in good health and appearance in order to anticipate and prevent damage from various causes;

4. Describe the functions of the various parts of the tree, such as bark, leaves, wood and roots, and state the methods for determining whether or not these functions are being carried out;

5. Recognize the symptoms of any injuries to and abnormalities and weaknesses of the tree;

6. Recognize the agents, such as insects, animal pests, fungus or bacterial diseases, poor soil, wind, frost, snow, lightning, gas and fumes, responsible for any injuries to and abnormalities or weaknesses of the tree;

7. State the relative susceptibility of different kinds of trees to injurious agents;

8. Demonstrate the various methods of pruning, bracing, cabling, cavity work, treatment of girdling roots and treatment of wounds;

9. State the basic chemical elements essential to tree life and growth, whether they are obtained from the air or soil, how they are taken up by the tree and which are likely to be deficient;

10. State how, when and in what amounts to apply fertilizers, the significance of fertilizer formulae and the manner and speed with which fertilizers composed of different ingredients, such as mineral salts, wood ashes, bone meal, blood meal, cottonseed meal and tankage, become available to the tree;

11. State when to spray or dust, the kind and strength of material which will most adequately control the insect or disease without injuring the tree and which spray materials can be used in combination without injuring the tree or fouling the spray apparatus;

12. Operate the equipment used in the application of insecticides and fungicides.

The questions asked on such examinations, and the grading and passing of applicants, shall be on the recommendation of the Tree Expert Examining Board, provided for in Section 13 of this Act.

Sec. 8. Repealed by act approved Aug. 19, 1961.

Sec. 9. [Applications for licenses by business organizations — Contents.] Applications by partnerships or corporations for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall list, but need not be limited to, the name of each partner, if a partnership, each director and officer, if a corporation, and shall indicate which of the partners, directors or officers, as the case may be, holds a license issued under this Act.

Sec. 10. [Renewals.] Applications for renewal licenses, shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department, shall contain such information as will enable the Department to determine if the applicant is qualified to continue to hold a license and shall be accompanied by the required fee, which shall not be returnable.

Sec. 11. [Non-resident applicants — Conditions—Foreign corporations.] Each non-resident applicant for an original license or a renewal license, except a foreign corporation, shall file an irrevocable consent that actions against the applicant may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or

in which some part of the transaction occurred out of which the alleged cause of action arose and that process in any action may be served on the applicant by leaving two copies thereof with the Director of the Department. Such consent shall stipulate and agree that such service of process shall be taken and held to be valid and binding for all purposes. The Director shall send forthwith one copy of such process to the applicant at the address shown on the records of the Department by registered mail. No foreign corporation shall receive a license under this Act until it has been authorized to do business in this state by the Secretary of State.

Sec. 12. [Licenses—Term — Renewal, reinstatement and restoration—Display.] Each license shall be issued for the term of one calendar year or for such part thereof as remains at the time of the issuance thereof. Each license shall be renewed during the month of December of each year. Each license not renewed during December of each year shall expire on December 31, of that year. A tree expert whose license has expired may, at any time within 5 years after the expiration thereof, obtain a reinstated license by making a reinstatement application therefor and by paying renewal license fees for each year since the expiration of his license.

Any tree expert whose license has expired for more than 5 years may have his license restored by paying the required restoration fee.

However, any tree expert whose license has expired while he has been engaged (1) in federal service in active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (2) in training or education under

the supervision of the United States preliminary to induction into the military service, may have his license restored without paying any lapsed renewal fees or restoration fee, if within 2 years after termination of such service, training or education, other than by dishonorable discharge, he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

A license must be prominently displayed at each place of business of the tree expert. Where the tree expert conducts business at more than one address, branch office licenses shall be issued on payment of the required fee.

Each license shall be signed by the Director of the Department and shall be issued under the seal of the Department. (As amended by act approved July 15, 1963.)

Sec. 13. [Refusal, suspension or revocation of license—Grounds.] The Department may refuse to issue or renew, may suspend or may revoke a license on any one or more of the following grounds:

- a. Material misstatement in the application for original license or in the application for any renewal license under this Act;
- b. Wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto;
- c. Wilfully aiding or abetting another in the violation of this Act or of any regulation or rule issued pursuant thereto;
- d. Allowing one's license under this Act to be used by an unlicensed person;
- e. Conviction of any crime an essential element of which is misstatement, fraud or dishonesty, conviction in this or another State of

any crime which is a felony under the laws of this State or conviction of a felony in a federal court;

f. Wilful disregard or violation of any substantial provision of any safety, labor or compensation law, ordinance or regulation of the United States of America, this State, any county, or municipality;

g. Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the business of a tree expert;

h. Pursuing a continued course of misrepresentation or of making false promises through advertising, salesman, agents or otherwise in connection with the business of a tree expert;

i. Failure to possess the necessary qualifications or to meet the requirements of this Act for the issuance or holding a license. (As amended by act approved May 5, 1967.)

Sec. 14. Tree expert examining board — Composition—Tenure.] None of the powers, duties or functions of the Department or the Director thereof under this Act shall be exercised except upon action and written report of the Tree Expert Examining Board. Such Board shall be composed of five individuals appointed by the Director not more than two of whom shall be commercial tree experts or arborists each of whom shall have been so engaged continuously for a period of 10 years prior to his appointment, one of whom shall be a plant pathologist, one of whom shall be an entomologist, and one of whom shall be a representative of a state or municipal forestry or park department.

One original member who is a commercial tree expert shall serve for one year; one original member who is a commercial tree expert shall serve for two years, the original mem-

ber who is a plant pathologist shall serve for three years; the original member who is an entomologist shall serve for four years; the original member who is a representative of a state or municipal forestry or park department shall serve for five years. Each succeeding member of the Board shall serve for a term of four years. The term of each member shall commence on the first Monday in October of the year in which such member is appointed. Each member shall be licensed under this Act. Each original member of such Board shall receive a license if he meets the requirements of Section 5(a) of this Act except that he need not take the examination required thereby.

The action or report in writing of a majority of the Board shall be sufficient authority on which the Department or the Director thereof may act. Whenever the Director is satisfied that substantial justice has not been done in any matter he may order a reconsideration of such matter by the Board or by a special Board. The number of members of a Special Board, their appointment and the qualifications of such members shall be as provided in this Section for an original Board.

Sec. 15. [Revocation of license—Notice and hearing.] The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proved would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date desig-

nated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel in reference hereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Board shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board shall not be sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Director shall continue such hearing for a period not to exceed 30 days.

The Department, over the signature of the Director or of any member of the Board, is authorized to subpoena and bring before the Board any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

Any member of the Board may administer oaths to witnesses at any hearing which the Board is authorized by law to conduct.

Sec. 16. [Record of proceedings — Rehearing.] The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the rearing of any case involving the refusal to issue or renew, or the suspension or revoca-

tion of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 25 cents per page for each carbon copy thereof ordered with the original; provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be 25 cents per page.

In any case involving the refusal to issue or renew or the suspension or revocation of a license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order in accordance with recommendations of the Board. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Sec. 17. Compelling attendance of witnesses and production of records.] Any circuit court may, upon application of the Director or of the

applicant or licensee against whom proceedings under Section 15 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under that section. The court may compel obedience to its order by proceedings for contempt. (As amended by act approved Sept. 7, 1967.)

Sec. 18. [Review.] Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit court of the county wherein such person resides, or in the case of a corporation, wherein the registered office is located. If the plaintiff in the review proceeding is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term, "administrative decision" is defined as in Section 1 of said "Administrative Review Act".

The Department shall not be required to certify the record of the proceeding unless the plaintiff in the review proceedings shall first pay to the Board the sum of 75 cents per page of such record. Exhibits shall be certified without cost. (As amended by act approved Aug. 24, 1965.)

Sec. 19. Surrender of license upon revocation or suspension.] Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license and any branch office licenses to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Sec. 20. [Rules and regulations.] The Director, on the recommendation of the Board, may issue regulations, consistent with the provisions of this act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Sec. 21. [Suits against tree experts — Proof of license.] No action or counterclaim shall be maintained by any person in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such person had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Sec. 22. [Violations to be enjoined.] If any person violates the provisions of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such civil cases. If it is established that such person has violated or is violating this Act, the court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish

the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Sec. 23. [Penalties.] Any person violating the provisions of this Act shall, if an individual, be punished by a fine of not more than \$200, or imprisonment for not more than 2 months, or both; and, if a corporation, by a fine of not less than \$500.00.

Any partner of a partnership or any director or officer of a corporation, which has violated any provision of this Act, shall also be deemed to be in violation thereof and, upon conviction, shall be subject to the penalties hereinabove set forth for individuals.

Sec. 24. [Construction of act.] This Act shall never be construed to relieve any person from civil liability or criminal prosecution under the general laws of this State.

Sec. 25. [License fees.] The following fees shall accompany each application for a license, which fees shall not be returnable:

- a. for an original license to an individual \$35.00
- b. for an original license to a partnership or corporation \$10.00
- c. for an annual renewal license \$10.00
- d. for each branch office license ... \$10.00
- e. for the restoration of a license that has expired for five years or more \$75.00

(As amended by act approved July 15, 1963.)



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The Illinois Tree Experts Act

Ill. Rev. Stat. 1969, Chap. 5 Sec. 163 to 187

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1971

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TREE EXPERTS

Act of July 5, 1957

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TREE EXPERTS

AN ACT to license and regulate tree experts, to provide penalties for the violation thereof and to make an appropriation therefor. (Approved July 5, 1957.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec. 1. [Definitions.] As used in this Act, unless the context otherwise requires:

“Person” includes any natural person, partnership, association, corporation or trust;

“Department” means the Department of Registration and Education of the State of Illinois;

“Director” means the Director of the Department of Registration and Education of the State of Illinois;

“Board” means the Tree Expert Examining Board provided for in this Act;

“Tree Expert” means any person who, for profit, diagnoses the condition of shade or ornamental trees and recommends or supervises the treatment of any such trees, or in any manner treats any such trees, by feeding or fertilizing or by pruning, trimming, bracing, treating cavities or other methods, or protects or attempts to protect any such trees from damage by insects or disease by spraying or any other method. (As amended by act approved July 22, 1959.)

Sec. 2. [License required.] No person shall engage in the business of a tree expert without having a license therefor issued by the Department. (As amended by act approved July 22, 1959.)

Sec. 3. [Licenses—Issuance.] No license shall be issued under this Act except to an individual, a partnership or a corporation and no license shall be issued to a partnership or corporation

unless at least one of the partners of the partnership or unless at least one officer or director of the corporation also holds a license as a tree expert issued by the Department under this Act.

Sec. 4. [Application of act.] This Act shall not apply to:

- a. The United States of America, the State of Illinois, any county, municipality or political subdivision in this state, any department, bureau or agency of any of the foregoing or any official representative of any of the foregoing in the pursuit of his official duties;
- b. Any person with reference to trees on his own premises;
- c. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed tree expert, while in the performance of such functions;
- d. Any public utility, including its authorized employees and agents, when engaged in tree trimming and/or tree removal for the purpose of line clearance and in order to insure the continuity of utility service to the public.
- e. Any person holding a college degree in forestry. (As amended by act approved July 22, 1959.)

Sec. 5. [Licenses—Qualifications.] A license shall be issued where the applicant therefor:

- a. If an individual, is at least 21 years of age, is a citizen of the United States, is of good reputation for honesty and has knowledge and qualifications required of a tree expert by this Act;
- b. If a partnership, has at least one partner who has a license issued by the Department under this Act, or if a corporation, has at least one director or officer who has a license issued by the Department under this Act.

Sec. 6. [Applications for licenses by individuals—Contents.] Applications by individuals for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license. It shall include, but need not be limited to information concerning age, citizenship, education, any physical infirmities, present and previous residences, present and previous business connections and experience, bank and professional references, whether any license of the applicant under this Act or any federal, state, county or local law, ordinance or regulation, ever was suspended or revoked and whether the applicant ever has been convicted of a felony.

Sec. 7. [Examination.] Except as otherwise provided in section 8 of this Act, each applicant for an original license, if an individual, shall take and pass an examination, which shall be given at least once each year, shall be in writing, shall cover his knowledge of this Act and shall include a test of the applicant's ability to:

1. Identify common trees found in the region, in summer and winter condition, in full tree form and from specimens of parts;
2. Describe the normal healthy form of the tree and its appearance, and state its rate of growth under normal and abnormal conditions and its normal length of life;
3. State the factors involved in maintaining the tree in good health and appearance in order to anticipate and prevent damage from various causes;
4. Describe the functions of the various parts of the tree, such as bark, leaves, wood and roots, and state the methods for determining whether

or not these functions are being carried out;

5. Recognize the symptoms of any injuries to and abnormalities and weaknesses of the tree;

6. Recognize the agents, such as insects, animal pests, fungus or bacterial diseases, poor soil, wind, frost, snow, lightning, gas and fumes, responsible for any injuries to and abnormalities or weaknesses of the tree;

7. State the relative susceptibility of different kinds of trees to injurious agents;

8. Demonstrate the various methods of pruning, bracing, cabling, cavity work, treatment of girdling roots and treatment of wounds;

9. State the basic chemical elements essential to tree life and growth, whether they are obtained from the air or soil, how they are taken up by the tree and which are likely to be deficient;

10. State how, when and in what amounts to apply fertilizers, the significance of fertilizer formulae and the manner and speed with which fertilizers composed of different ingredients, such as mineral salts, wood ashes, bone meal, blood meal, cottonseed meal and tankage, become available to the tree;

11. State when to spray or dust, the kind and strength of material which will most adequately control the insect or disease without injuring the tree and which spray materials can be used in combination without injuring the tree or fouling the spray apparatus;

12. Operate the equipment used in the application of insecticides and fungicides.

The Department may conduct examinations in English or, may in its discretion conduct such examinations in Spanish if requested to do so by an applicant who gives sufficient notice of his request prior to the date of the examination.

The questions asked on such examinations, and the grading and passing of applicants, shall

be on the recommendation of the Tree Expert Examining Board, provided for in Section 13 of this Act.

If an applicant neglects, fails or refuses to take an examination for license under this Act within 3 years after filing his application, the fee paid by the applicant shall be forfeited to the Department and the application denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee. (As amended by act approved September 10, 1971.)

Sec. 8. Repealed by act approved August 19, 1961.

Sec. 9. [Applications for licenses by business organizations—Contents.] Applications by partnerships or corporations for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall list, but need not be limited to, the name of each partner, if a partnership, each director and officer, if a corporation, and shall indicate which of the partners, directors or officers, as the case may be, holds a license issued under this Act.

Sec. 10. [Renewals.] Applications for renewal licenses, shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department, shall contain such information as will enable the Department to determine if the applicant is qualified to continue to hold a license and shall be accompanied by the required fee, which shall not be returnable.

Sec. 11. [Non-resident applicants—Conditions—Foreign corporations.] Each non-resident applicant for an original license or a renewal license, except a foreign corporation, shall file an irre-

vocable consent that actions against the applicant may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process in any action may be served on the applicant by leaving two copies thereof with the Director of the Department. Such consent shall stipulate and agree that such service of process shall be taken and held to be valid and binding for all purposes. The Director shall send forthwith one copy of such process to the applicant at the address shown on the records of the Department by registered mail. No foreign corporation shall receive a license under this Act until it has been authorized to do business in this state by the Secretary of State.

Sec. 12. [Licenses—Term—Renewal, reinstatement and restoration—Display.] Each license shall be issued for the term of one calendar year or for such part thereof as remains at the time of the issuance thereof. Each license shall be renewed during the month of December of each year. Each license not renewed during December of each year shall expire on December 31, of that year. A tree expert whose license has expired may, at any time within 5 years after the expiration thereof, obtain a reinstated license by making a reinstatement application therefor and by paying renewal license fees for each year since the expiration of his license.

Any tree expert whose license has expired for more than 5 years may have his license restored by paying the required restoration fee.

However, any tree expert whose license has expired while he has been engaged (1) in federal service in active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or train-

ing of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license restored without paying any lapsed renewal fees or restoration fee, if within 2 years after termination of such service, training or education, other than by dishonorable discharge, he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

A license must be prominently displayed at each place of business of the tree expert. Where the tree expert conducts business at more than one address, branch office licenses shall be issued on payment of the required fee.

Each license shall be signed by the Director of the Department and shall be issued under the seal of the Department. (As amended by act approved July 15, 1963.)

Sec. 13. [Refusal, suspension or revocation of license —Grounds.] The Department may refuse to issue or renew, may suspend or may revoke a license on any one or more of the following grounds:

- a. Material misstatement in the application for original license or in the application for any renewal license under this Act;
- b. Wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto;
- c. Wilfully aiding or abetting another in the violation of this Act or of any regulation or rule issued pursuant thereto;
- d. Allowing one's license under this Act to be used by an unlicensed person;
- e. Conviction of any crime an essential element of which is misstatement, fraud or dishonesty, conviction in this or another State of any crime which is a felony under the laws of this State or conviction of a felony in a federal court; if the Department determines, after in-

vestigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

f. Wilful disregard or violation of any substantial provision of any safety, labor or compensation law, ordinance or regulation of the United States of America, this State, any county, or municipality;

g. Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the business of a tree expert;

h. Pursuing a continued course of misrepresentation or of making false promises through advertising, salesman, agents or otherwise in connection with the business of a tree expert;

i. Failure to possess the necessary qualifications or to meet the requirements of this Act for the issuance or holding a license. (As amended by act approved July 23, 1971.)

Sec. 14. [Tree expert examining board—Composition—Tenure.] None of the powers, duties or functions of the Department or the Director thereof under this Act shall be exercised except upon action and written report of the Tree Expert Examining Board. Such Board shall be composed of five individuals appointed by the Director not more than two of whom shall be commercial tree experts or arborists each of whom shall have been so engaged continuously for a period of 10 years prior to his appointment, one of whom shall be a plant pathologist, one of whom shall be an entomologist, and one of whom shall be a representative of a state or municipal forestry or park department.

One original member who is a commercial tree expert shall serve for one year; one original member who is a commercial tree expert shall serve for two years, the original member who is a plant pathologist shall serve for three years; the original member who is an entomolo-

gist shall serve for four years; the original member who is a representative of a state or municipal forestry or park department shall serve for five years. Each succeeding member of the Board shall serve for a term of four years. The term of each member shall commence on the first Monday in October of the year in which such member is appointed. Each member shall be licensed under this Act. Each original member of such Board shall receive a license if he meets the requirements of Section 5(a) of this Act except that he need not take the examination required thereby.

The action or report in writing of a majority of the Board shall be sufficient authority on which the Department or the Director thereof may act. Whenever the Director is satisfied that substantial justice has not been done in any matter he may order a reconsideration of such matter by the Board or by a special Board. The number of members of a Special Board, their appointment and the qualifications of such members shall be as provided in this Section for an original Board.

Sec. 15. [Revocation of license—Notice and hearing.] The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proved would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel in reference hereto. Such written notice may be served by

delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Board shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board shall not be sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Director shall continue such hearing for a period not to exceed 30 days.

The Department, over the signature of the Director or of any member of the Board, is authorized to subpoena and bring before the Board any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

Any member of the Board may administer oaths to witnesses at any hearing which the Board is authorized by law to conduct.

Sec. 16. [Record of proceedings—Rehearing.] The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the rehearing of any case involving the refusal to issue or renew, or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and orders of the Department shall be

the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 25 cents per page for each carbon copy thereof ordered with the original; provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be 25 cents per page.

In any case involving the refusal to issue or renew or the suspension or revocation of license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order in accordance with recommendations of the Board. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Sec. 17. [Compelling attendance of witnesses and production of records.] Any circuit court may, upon application of the Director or of the applicant or licensee against whom proceedings under Section 15 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under that section. The court may compel obedience to its order by proceedings for contempt.

(As amended by act approved Sept. 7, 1967.)

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The Department shall not be required to certify the record of the proceeding unless the plaintiff in the review proceedings shall first pay to the Board the sum of 75 cents per page of such record. Exhibits shall be certified without cost. (As amended by act approved August 24, 1965.)

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Sec. 20. [Rules and regulations.] The Director, on the recommendation of the Board, may issue regulations, consistent with the provisions of this act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Sec. 21. [Suits against tree experts—Proof of license.] No action or counterclaim shall be main-

tained by any person in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such person had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Sec. 22. [Violations to be enjoined.] If any person violates the provisions of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such civil cases. If it is established that such person has violated or is violating this Act, the court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Sec. 23. [Penalties.] Any person violating the provisions of this Act shall, if an individual, be punished by a fine of not more than \$200, or imprisonment for not more than 2 months, or both; and, if a corporation, by a fine of not less than \$500.00.

Any partner of a partnership or any director

or officer of a corporation, which has violated any provision of this Act, shall also be deemed to be in violation thereof and, upon conviction, shall be subject to the penalties hereinabove set forth for individuals.

Sec. 24. [Construction of act.] This Act shall never be construed to relieve any person from civil liability or criminal prosecution under the general laws of this State.

Sec. 25. [License fees.] The following fees shall accompany each application for a license, which fees shall not be returnable:

- a. for an original license to an individual \$35.00
- b. for an original license to a partnership or corporation \$10.00
- c. for an annual renewal license \$10.00
- d. for each branch office license \$10.00
- e. for the restoration of a license that has expired for five years or more \$75.00
- f. for a re-examination \$25.00
- g. for the issuance of a duplicate license to replace one which has been lost or destroyed \$ 5.00
(As amended by act approved August 31, 1971.)

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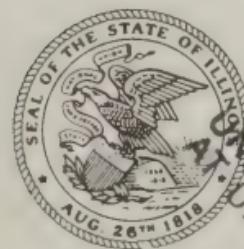
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The Illinois Tree Experts Act

Ill. Rev. Stat. 1969, Chap. 5 Sec. 163 to 187

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TREE EXPERTS

AN ACT to license and regulate tree experts, to provide penalties for the violation thereof and to make an appropriation therefor. (Approved July 5, 1957.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec. 1. [Definitions.] As used in this Act, unless the context otherwise requires:

“Person” includes any natural person, partnership, association, corporation or trust;

“Department” means the Department of Registration and Education of the State of Illinois;

“Director” means the Director of the Department of Registration and Education of the State of Illinois;

“Board” means the Tree Expert Examining Board provided for in this Act;

“Tree Expert” means any person who, for profit, diagnoses the condition of shade or ornamental trees and recommends or supervises the treatment of any such trees, or in any manner treats any such trees, by feeding or fertilizing or by pruning, trimming, bracing, treating cavities or other methods, or protects or attempts to protect any such trees from damage by insects or disease by spraying or any other method. (As amended by act approved July 22, 1959.)

Sec. 2. [License required.] No person shall engage in the business of a tree expert without having a license therefor issued by the Department. (As amended by act approved July 22, 1959.)

Sec. 3. [Licenses—Issuance.] No license shall be issued under this Act except to an individual, a partnership or a corporation and no license shall be issued to a partnership or corporation

unless at least one of the partners of the partnership or unless at least one officer or director of the corporation also holds a license as a tree expert issued by the Department under this Act.

Sec. 4. [Application of act.] This Act shall not apply to:

- a. The United States of America, the State of Illinois, any county, municipality or political subdivision in this state, any department, bureau or agency of any of the foregoing or any official representative of any of the foregoing in the pursuit of his official duties;
- b. Any person with reference to trees on his own premises;
- c. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed tree expert, while in the performance of such functions;
- d. Any public utility, including its authorized employees and agents, when engaged in tree trimming and/or tree removal for the purpose of line clearance and in order to insure the continuity of utility service to the public.
- e. Any person holding a college degree in forestry. (As amended by act approved July 22, 1959.)

Sec. 5. [Licenses—Qualifications.] A license shall be issued where the applicant therefor:

- a. If an individual, is at least 21 years of age, is a citizen of the United States, is of good reputation for honesty and has knowledge and qualifications required of a tree expert by this Act;
- b. If a partnership, has at least one partner who has a license issued by the Department under this Act; or if a corporation, has at least one director or officer who has a license issued by the Department under this Act.

Sec. 6. [Applications for licenses by individuals—Contents.] Applications by individuals for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license. It shall include, but need not be limited to information concerning age, citizenship, education, any physical infirmities, present and previous residences, present and previous business connections and experience, bank and professional references, whether any license of the applicant under this Act or any federal, state, county or local law, ordinance or regulation, ever was suspended or revoked and whether the applicant ever has been convicted of a felony.

Sec. 7. [Examination.] Except as otherwise provided in section 8 of this Act, each applicant for an original license, if an individual, shall take and pass an examination, which shall be given at least once each year, shall be in writing, shall cover his knowledge of this Act and shall include a test of the applicant's ability to:

1. Identify common trees found in the region, in summer and winter condition, in full tree form and from specimens of parts;
2. Describe the normal healthy form of the tree and its appearance, and state its rate of growth under normal and abnormal conditions and its normal length of life;
3. State the factors involved in maintaining the tree in good health and appearance in order to anticipate and prevent damage from various causes;
4. Describe the functions of the various parts of the tree, such as bark, leaves, wood and roots, and state the methods for determining whether

or not these functions are being carried out;

5. Recognize the symptoms of any injuries to and abnormalities and weaknesses of the tree;

6. Recognize the agents, such as insects, animal pests, fungus or bacterial diseases, poor soil, wind, frost, snow, lightning, gas and fumes, responsible for any injuries to and abnormalities or weaknesses of the tree;

7. State the relative susceptibility of different kinds of trees to injurious agents;

8. Demonstrate the various methods of pruning, bracing, cabling, cavity work, treatment of girdling roots and treatment of wounds;

9. State the basic chemical elements essential to tree life and growth, whether they are obtained from the air or soil, how they are taken up by the tree and which are likely to be deficient;

10. State how, when and in what amounts to apply fertilizers, the significance of fertilizer formulae and the manner and speed with which fertilizers composed of different ingredients, such as mineral salts, wood ashes, bone meal, blood meal, cottonseed meal and tankage, become available to the tree;

11. State when to spray or dust, the kind and strength of material which will most adequately control the insect or disease without injuring the tree and which spray materials can be used in combination without injuring the tree or fouling the spray apparatus;

12. Operate the equipment used in the application of insecticides and fungicides.

The Department may conduct examinations in English or, may in its discretion conduct such examinations in Spanish if requested to do so by an applicant who gives sufficient notice of his request prior to the date of the examination.

The questions asked on such examinations, and the grading and passing of applicants, shall

be on the recommendation of the Tree Expert Examining Board, provided for in Section 13 of this Act.

If an applicant neglects, fails or refuses to take an examination for license under this Act within 3 years after filing his application, the fee paid by the applicant shall be forfeited to the Department and the application denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee. (As amended by act approved September 10, 1971.)

Sec. 8. Repealed by act approved August 19, 1961.

Sec. 9. [Applications for licenses by business organizations—Contents.] Applications by partnerships or corporations for original licenses shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall list, but need not be limited to, the name of each partner, if a partnership, each director and officer, if a corporation, and shall indicate which of the partners, directors or officers, as the case may be, holds a license issued under this Act.

Sec. 10. [Renewals.] Applications for renewal licenses, shall be made to the Department, shall be in writing, under oath, on forms prescribed by the Department, shall contain such information as will enable the Department to determine if the applicant is qualified to continue to hold a license and shall be accompanied by the required fee, which shall not be returnable.

Sec. 11. [Non-resident applicants—Conditions—Foreign corporations.] Each non-resident applicant for an original license or a renewal license, except a foreign corporation, shall file an irre-

vocable consent that actions against the applicant may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process in any action may be served on the applicant by leaving two copies thereof with the Director of the Department. Such consent shall stipulate and agree that such service of process shall be taken and held to be valid and binding for all purposes. The Director shall send forthwith one copy of such process to the applicant at the address shown on the records of the Department by registered mail. No foreign corporation shall receive a license under this Act until it has been authorized to do business in this state by the Secretary of State.

Sec. 12. [Licenses—Term—Renewal, reinstatement and restoration—Display.] Each license shall be issued for the term of one calendar year or for such part thereof as remains at the time of the issuance thereof. Each license shall be renewed during the month of December of each year. Each license not renewed during December of each year shall expire on December 31, of that year. A tree expert whose license has expired may, at any time within 5 years after the expiration thereof, obtain a reinstated license by making a reinstatement application therefor and by paying renewal license fees for each year since the expiration of his license.

Any tree expert whose license has expired for more than 5 years may have his license restored by paying the required restoration fee.

However, any tree expert whose license has expired while he has been engaged (1) in federal service in active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or train-

ing of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license restored without paying any lapsed renewal fees or restoration fee, if within 2 years after termination of such service, training or education, other than by dishonorable discharge, he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

A license must be prominently displayed at each place of business of the tree expert. Where the tree expert conducts business at more than one address, branch office licenses shall be issued on payment of the required fee.

Each license shall be signed by the Director of the Department and shall be issued under the seal of the Department. (As amended by act approved July 15, 1963.)

Sec. 13. [Refusal, suspension or revocation of license —Grounds.] The Department may refuse to issue or renew, may suspend or may revoke a license on any one or more of the following grounds:

- a. Material misstatement in the application for original license or in the application for any renewal license under this Act;
- b. Wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto;
- c. Wilfully aiding or abetting another in the violation of this Act or of any regulation or rule issued pursuant thereto;
- d. Allowing one's license under this Act to be used by an unlicensed person;
- e. Conviction of any crime an essential element of which is misstatement, fraud or dishonesty, conviction in this or another State of any crime which is a felony under the laws of this State or conviction of a felony in a federal court; if the Department determines, after in-

vestigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

f. Wilful disregard or violation of any substantial provision of any safety, labor or compensation law, ordinance or regulation of the United States of America, this State, any county, or municipality;

g. Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the business of a tree expert;

h. Pursuing a continued course of misrepresentation or of making false promises through advertising, salesman, agents or otherwise in connection with the business of a tree expert;

i. Failure to possess the necessary qualifications or to meet the requirements of this Act for the issuance or holding a license. (As amended by act approved July 23, 1971.)

Sec. 14. [Tree expert examining board—Composition—Tenure.] None of the powers, duties or functions of the Department or the Director thereof under this Act shall be exercised except upon action and written report of the Tree Expert Examining Board. Such Board shall be composed of five individuals appointed by the Director not more than two of whom shall be commercial tree experts or arborists each of whom shall have been so engaged continuously for a period of 10 years prior to his appointment, one of whom shall be a plant pathologist, one of whom shall be an entomologist, and one of whom shall be a representative of a state or municipal forestry or park department.

One original member who is a commercial tree expert shall serve for one year; one original member who is a commercial tree expert shall serve for two years, the original member who is a plant pathologist shall serve for three years; the original member who is an entomolo-

gist shall serve for four years; the original member who is a representative of a state or municipal forestry or park department shall serve for five years. Each succeeding member of the Board shall serve for a term of four years. The term of each member shall commence on the first Monday in October of the year in which such member is appointed. Each member shall be licensed under this Act. Each original member of such Board shall receive a license if he meets the requirements of Section 5(a) of this Act except that he need not take the examination required thereby.

The action or report in writing of a majority of the Board shall be sufficient authority on which the Department or the Director thereof may act. Whenever the Director is satisfied that substantial justice has not been done in any matter he may order a reconsideration of such matter by the Board or by a special Board. The number of members of a Special Board, their appointment and the qualifications of such members shall be as provided in this Section for an original Board.

Sec. 15. [Revocation of license—Notice and hearing.] The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proved would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel in reference hereto. Such written notice may be served by

delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Board shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board shall not be sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Director shall continue such hearing for a period not to exceed 30 days.

The Department, over the signature of the Director or of any member of the Board, is authorized to subpoena and bring before the Board any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

Any member of the Board may administer oaths to witnesses at any hearing which the Board is authorized by law to conduct.

Sec. 16. [Record of proceedings—Rehearing.] The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the rehearing of any case involving the refusal to issue or renew, or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and orders of the Department shall be

the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 25 cents per page for each carbon copy thereof ordered with the original; provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be 25 cents per page.

In any case involving the refusal to issue or renew or the suspension or revocation of license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order in accordance with recommendations of the Board. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Sec. 17. [Compelling attendance of witnesses and production of records.] Any circuit court may, upon application of the Director or of the applicant or licensee against whom proceedings under Section 15 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under that section. The court may compel obedience to its order by proceedings for contempt.

(As amended by act approved Sept. 7, 1967.)

Sec. 18. [Review.] Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit court of the county wherein such person resides, or in the case of a corporation, wherein the registered office is located. If the plaintiff in the review proceeding is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term, "administrative decision" is defined as in Section 1 of said "Administrative Review Act."

The Department shall not be required to certify the record of the proceeding unless the plaintiff in the review proceedings shall first pay to the Board the sum of 75 cents per page of such record. Exhibits shall be certified without cost. (As amended by act approved August 24, 1965.)

Sec. 19. [Surrender of license upon revocation or suspension.] Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license and any branch office licenses to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Sec. 20. [Rules and regulations.] The Director, on the recommendation of the Board, may issue regulations, consistent with the provisions of this act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Sec. 21. [Suits against tree experts—Proof of license.] No action or counterclaim shall be main-

tained by any person in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such person had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Sec. 22. [Violations to be enjoined.] If any person violates the provisions of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such civil cases. If it is established that such person has violated or is violating this Act, the court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Sec. 23. [Penalties.] Any person violating the provisions of this Act shall, if an individual, be punished by a fine of not more than \$200, or imprisonment for not more than 2 months, or both; and, if a corporation, by a fine of not less than \$500.00.

Any partner of a partnership or any director

or officer of a corporation, which has violated any provision of this Act, shall also be deemed to be in violation thereof and, upon conviction, shall be subject to the penalties hereinabove set forth for individuals.

Sec. 24. [Construction of act.] This Act shall never be construed to relieve any person from civil liability or criminal prosecution under the general laws of this State.

Sec. 25. [License fees.] The following fees shall accompany each application for a license, which fees shall not be returnable:

- a. for an original license to an individual \$35.00
- b. for an original license to a partnership or corporation \$10.00
- c. for an annual renewal license \$10.00
- d. for each branch office license \$10.00
- e. for the restoration of a license that has expired for five years or more \$75.00
- f. for a re-examination \$25.00
- g. for the issuance of a duplicate license to replace one which has been lost or destroyed \$ 5.00
(As amended by act approved August 31, 1971.)

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